



THE 3RD CONSOLIDATED ANNUAL REPORT ON THE IMPLEMENTATION OF THE CHILD JUSTICE ACT NO 75 OF 2008



the doj & cd

Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA



OFFICIAL SIGN-OFF

It is hereby certified that this departmental report was developed by the Inter-Sectoral Committee for Child Justice. It takes into account the key priority areas outlined by the National Policy Framework on Child Justice. It also accurately reflects the achievements and limitations experienced by the implementing government departments or institutions as they collectively endeavoured to realise the goals of the Child Justice Act No 75 of 2008.

Adv Praise Kambula

Signature: 

Chairperson of the National Operational Inter-Sectoral Committee

pp Ms Nonkululeko Sindane (L.G. Basson)

Signature: 

Chairperson of the Directors-General Inter-Sectoral Committee

Mr John Jeffery, MP

Signature: 

Deputy Minister of Justice and Constitutional Development

Approved by

Mr Jeffrey Radebe, MP

Signature: 

Minister of Justice and Constitutional Development



THE REPORTING

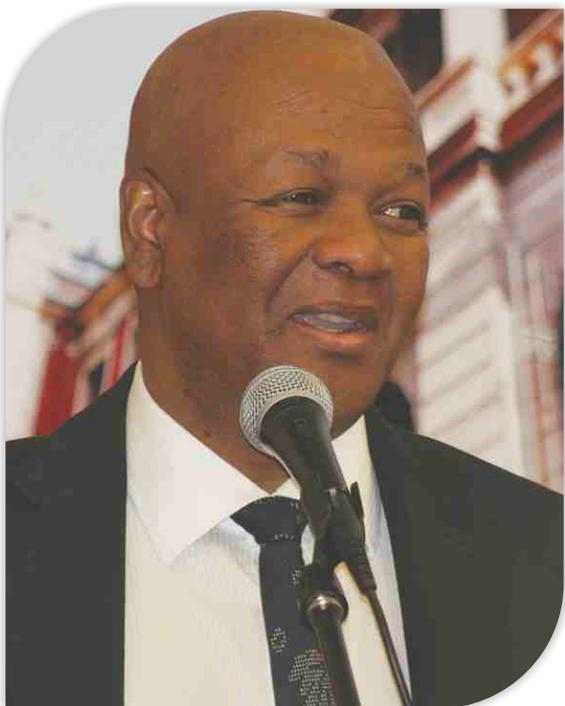
STAKEHOLDERS

IN THE IMPLEMENTATION OF THE CHILD JUSTICE
ACT, NO 75 OF 2008



FOREWORD

MINISTER OF JUSTICE & CONSTITUTIONAL DEVELOPMENT



**HONOURABLE MINISTER
J.T. RADEBE, MP**

“ The growing number of non-custodial sentences imposed against children is also an indication that we are indeed moving towards positioning and embedding the child justice system in our country ”

Looking back, three years have passed since the promulgation of the Child Justice Act No 75 of 2008 (the Act) on 01 April 2010. This report gives us an opportunity to reflect on and analyse our performance as we determine if we are indeed achieving the goals of the Act.

The Child Justice Act, and the Constitution from which it flows, are our broad instruments to reconstruct society against the backdrop of the injustices of the past.

The social, economic and political conditions to which generations and generations of our people had to endure, under the systems of colonialism and later apartheid, were destructive to the development of a normal society.

Thus the destruction of the social value system can be reversed through the collaborative work of all our people including government, business, NGO's, faith institutions and labour. After all, all normal societies have their normalcy sustained by the combined actions of all social, economic and political agents working together for the common good of society as a whole and if anything our actions must restore the foundation of this collaborative normalcy. For this reason, confronting the social challenges faced by our children must involve all these institutions both to prevent the incidences of criminal conduct as well as to rehabilitate child offenders.

It is against this historical background and the resultant legacy that the implementation of the Child Justice Act must be contextualised. It is a legacy that we still endure to some extent in spite of the strides towards comprehensive transformation that seeks to heal the divisions of the past as enjoined by the Constitution. Society at large must therefore appreciate that it is a mammoth task that we are faced with, with regards healing the divisions of the past by amongst others ensuring that the law is barometer of all social conduct, particularly amongst the youth and children.

The gravity of the challenge may be underlined by an appreciation that under any normal circumstance, social values are a heritage that spans centuries in their evolution, but that it may take a few decades of apartheid destabilisation and misrule to offset this delicate social balance. Nonetheless it is a challenge that we cannot only afford to ignore but that I am confident working together we can overcome.

It is our hope that through the thorough implementation of the Child Justice Act we will immensely contribute to the moral regeneration of our communities by breaking down the historic vicious cycle of the propensity to violent and criminal acts by children.

It is thus very important that as we go about creating the new national democratic society, that we do not crowd out the role of children as inheritors of the society that we seek to build, and that their development becomes their prime pre-occupation as children, this being the new culture we seek to engender.

By ensuring that children are all at school, have recreational facilities, are fed while at school, are not abused at their homes, do not engage in hard labour, are not sexually and physically abused, are all measures that society as a whole must ensure each and every child enjoys so that the temptation to indulge in criminal behaviour is minimised if not eliminated. It is against this broad context that the Child Justice Act will succeed, as backbone to these endeavours and not necessarily panacea of all child disciplinary challenges.

South Africa is a proud signatory of a number of international instruments aimed at protecting the rights of children. As a country, we have taken significant strides in complying with the 1989 United Nations Convention on Rights of the Child. Section 28 of our Constitution unequivocally entrenches the right of every child not to be detained, except as a measure of last resort and for the shortest appropriate period of time. If detention is appropriate and inevitable, our Constitution affords such child the right to be kept separately from prisoners over the age of 18 years, and to be treated in a manner, and kept in conditions that take account of the child's age.

The promulgation of the Act flows from the Constitution and is a response and supporting mechanism to both our national and international obligations. The Act introduced a separate child justice system that promotes and accentuates the imposition of non-custodial sentences, rehabilitation, and the re-integration of children into society so as to reduce the incidence of recidivism.

The Act expands and entrenches the principles of restorative justice, while ensuring that children are held responsible and accountable for crimes committed, and balances the interests of children and those of society, with due regard to the rights of victims. Once again, the implementing Departments have joined hands to achieve the goals of the Act. This report gives a collective account of the Inter-Sectorial implementation of the Act in its 3rd year. As you will notice, many interventions have been undertaken to protect children from the harsh realities that often define life in our prisons.

Since 2010, there has been a significant increase in the number of preliminary inquiries conducted by our Child Justice courts. This increase represents an important achievement as preliminary inquiries increases the opportunities for children to be dealt with in an individualised manner ensuring that their needs and best interests are taken into account when considering the best way to deal with them.

The growing number of non-custodial sentences imposed against children is also an indication that we are indeed moving towards positioning and embedding the child justice system in our country. It is therefore my pleasure to table this consolidated Annual Report in Parliament.

This report would not have been possible without the dedicated support of this Parliament in making the goals of this Act achievable. I am also truly grateful to the members of our Inter-Ministerial Committee for their firm commitment to the realization of a working child justice system in our country. My gratitude is also sent to my former Deputy Minister, Mr Andries Nel as well as my current Deputy Minister John Jeffery, for their relentless devotion to the cause of children in our country.

I also want to thank the non-governmental organizations and civil society organizations for their collaborative efforts and continued support of Government in the implementation of the Act.

I am also thankful to my Director-General, Ms Nonkululeko Sindane, for her dedicated leadership as chairperson of the Inter-Sectorial Committee for Child Justice in making cross-departmental coordination possible.

We must live by the adage that children are the future of our beloved country, and that securing their future is thus synonymous to securing our country's future.

Through the implementation of the Child Justice Act and the relevant mechanisms we can boldly make the assertion that South Africa is today better than it was in 1994 and that tomorrow holds the promise that it will be better than today!

I thank you all.



Minister JT Radebe, MP
Minister of Justice and Constitutional Development

MESSAGE FROM THE CHAIRPERSON

OF THE INTER - SECTORAL COMMITTEE FOR CHILD JUSTICE



Ms. NONKULULEKO SINDANE, DIRECTOR-GENERAL
DEPARTMENT OF JUSTICE AND
CONSTITUTIONAL DEVELOPMENT

“ this year the total number of children assessed increased from 18 334 to 32 125. ”

One of the aims of the Child Justice Act No 75 of 2008 (the Act) is to promote co-operation and collaboration between government Departments to ensure an integrated and holistic approach in the implementation of the Child Justice Act. The 3rd year of the implementation of the Act has just come to an end.

As in the previous two years, the Inter-Sectoral Committee for Child Justice (DG's ISCCJ) unanimously decided to submit a Consolidated Annual Report on the Implementation of the Child Justice Act to Parliament to highlight the progress made towards the implementation of the Act.

This report also analyses and evaluates all endeavours taken so as to know what works and what does not work, and what action must be taken to make it work.

It is evident from this report that, during the 3rd year of the implementation of the Act various interventions were made to address certain gaps that emerged from the previous years.

It is during this year that we saw the determined collaborations of the stakeholders rising up against the systemic defects that resulted in a serious decline in the number of assessments of children recorded in the previous year.

This year the total number of children assessed increased from 18 334 to 32 125. A further increase in the number of diversion orders from 9 192 to 11 420 is yet another commendable achievement, as it means that we have succeeded to deal with a sizeable number of children outside the mainstream criminal justice system.

The report also reflects on the hurdles that restricted optimal performance in certain key priority areas. These are dealt with at length in chapter 4. Some of the challenges briefly relate to the lack of capacity to conduct criminal capacity evaluations, a shortage of probation officers, a need to establish special care facilities for mentally affected children and the lack of dedicated budgets for the implementation of the Act.

As the Directors-General Inter-Sectoral Committee, we took an initiative to compile a consolidated report that gives the collaborative performance of all the implementing Government stakeholders. This is intended to map out and evaluate from a single source the success of the interdependencies that define the value chain. In complying with the Act, the Departments must submit their individual Annual Reports, and these accompany the Consolidated Report.

Amidst the challenges of inadequate and delayed reporting by some of the stakeholders, we have succeeded to accent on our responsibilities, as required by the Act.

I am truly indebted to my colleagues in the Directors-General Inter-Sectoral Committee for the support they offered to make the work of this Committee more progressive and impactful.

The devoted efforts of the National Operational Inter-Sectoral Committee to operationalise the Act and gave it meaning on the ground has been noted with great gratitude. I am also thankful to the committed participation of the NGO's in this committee, which has indeed made the voice of the communities prominent in critical deliberations that brought significant changes in the child justice system. It is indeed through combined efforts that we will make the required progress and make an impact on the lives of children who go through the child justice system in our country.



pp Ms Nonkululeko Sindane (L.G. Basson)
Director-General: Department of Justice and Constitutional Development

TABLE OF CONTENTS

List of Acronyms	9
List of Tables.....	10
List of Diagrams.....	10
Executive Summary.....	11
CHAPTER 1: INTRODUCTION.....	12
1.1 The Child Justice Legal Frame Work.....	13
1.2 The 3 rd Consolidated Annual Report and its objectives.....	15
CHAPTER 2: GOVERNANCE AND COORDINATING STRUCTURES.....	16
2.1 Introduction.....	17
2.2. Coordination Structures of the Implementation of the Act.....	17
2.2.1 Coordination Structures of the Implementation Of The Act.....	18
2.2.2 Directors-General Inter Sectoral Committee On Child Justice (Dg’s ISCCJ).....	18
2.2.3 National Operating Inter Sectoral Committee on Child Justice (Op ISCCJ).....	19
2.2.4 Provincial Child Justice Fora (PCJF).....	19
2.2.5 International Reporting and the role of the Department Of Women, Children and People With Disabilities (DWCPD).....	20
2.3 Key Performance Areas of the Governance Structures.....	20
CHAPTER 3: PROGRESS IN THE IMPLEMENTATION OF KEY PRIORITY AREAS.....	21
3.1. Building Capacity.....	22
3.1.1 Training.....	22
3.1.2. Infrastructure.....	31
3.2 Ensuring Assessment of Children.....	32
3.2.1. Charges.....	33
3.3 Preliminary Inquiries.....	35
3.4 Sentencing.....	37
3.5 Provisioning of Diversion and Alternative Sentencing Services.....	40
3.6 Establishment of Child and Youth Care Centres.....	41
3.7 Establishment of One Stop Justice Centres (OSCJCs).....	44
3.8 Resources and Budgets.....	44
3.9 Public Education and Communication.....	44
3.10 Development of Necessary IT and Integrated Information Justice Systems.....	46
CHAPTER 4: LIMITATIONS IN THE IMPLEMENTATION OF THE CHILD JUSTICE ACT.....	51
CHAPTER 5: COMPARATIVE EVALUATION OF THE EFFECTIVENESS OF THE ACT.....	54

ACRONYMS

ABET:	Adult Basic Education
CHATSEC:	Combating HIV & AIDS through Ethical and Spiritual Conduct
CJA:	Child Justice Act
CJIMTT:	Child Justice Information Management Task Team
CJ NPF:	Child Justice National Policy Framework
CJS:	Criminal Justice System
CYCC:	Child and Youth Care Centre
DBE:	Department of Basic Education
DCS:	Department of Correctional Services
DG ISCCJ:	Directors-General Inter-Sectoral Committee on Child Justice
DoE:	Department of Education
DoH:	Department of Health
DoJ & CD:	Department of Justice and Constitutional Development
DSD:	Department of Social Development
DWCPD:	Department of Women, Children and People with Disabilities
FET:	Further Education and Training
GCIS:	Government Communications and Information Systems
HOD:	Heads of Departments
IJS:	Integrated Justice System
JCPS:	Justice Crime Prevention Security
LASA:	Legal Aid South Africa
MEC:	Members of Executive Committees
NOC:	National Operation Centres
NPA:	National Prosecuting Authority
OSCJCs:	One Stop Child Justice Centres
OP ISCCJ:	National Operational Inter-Sectoral Committee on Child Justice
PCJF:	Provincial Child Justice Fora
PCM:	Probation Case Management
SAPS:	South African Police Service
SOCA:	Sexual Offences and Community Affairs
UN CRC:	United Nations Convention on Rights of Child

LISTS OF TABLES

TABLE DESCRIPTION	Page
1.Summary of personnel trained so far across the sectors	23
2.Training programmes and services provided	26
3.Private Sector clinical psychologists and psychiatrists	31
4.List of designated One Stop Child Justice Centres	32
5.Total number of children assessed the three years	34
6.Preliminary inquiries conducted over the three years	35
7.Criminal case involving children offenders in courts	36
8.Total sentences imposed on children	37
9.Breakdown of results of criminal cases	38
10.Sentenced children and remand children in DCS facilities	39
11.Average period in custody for children awaiting trial	39
12.Children diverted during the 2010/2011; 2011/2012 and 2012/2013 period of implementation	40
13.Total number of children diverted in 2012/2013	41
14.Number of secure care facilities as at 31 March 2013	41
15.Progress in the process of transferring schools from DBE to DSD	43
16.Number of fully operational OSCJCs	44
17.Limitations experienced during this reporting period	53

LISTS OF DIAGRAMS

DIAGRAM DESCRIPTION	Page
1.Governance Structure	17
2.Integrations Currently Available	47
3.Current Situation: Collection & Processing of Statistical Data	49
4.The Future Solution	50

EXECUTIVE

SUMMARY

This is the 3rd Consolidated Annual Report across Departments which are responsible for the implementation of the Child Justice Act, 75 of 2008 (the Act), which came into effect on 1st April 2010.

This document begins by mentioning that the South African Constitution, Act 106 of 1996 (the Constitution), as well as the United Nations Convention on the Rights of the Child (UNCRC) formed the basis of the development of the Act. Other pieces of legislation support the implementation of the Act. Besides the legal framework provided, the Act further provides for the development of a National Policy Framework (NPF) on Child Justice, which sets out the ten key priority areas that guide the monitoring of the inter-sectoral performance and the execution of reporting functions for the implementation of this Act; the sectoral role players; and their roles and responsibilities. The Act places a legal obligation on Departments and Institutions that are charged with the role to implement in line with Section 96 of the Act to ensure that the objectives of the Act are achieved.

The focus of the report is in the progress reported by each role player on the implementation of the ten key priority areas. The role players report on how far they have progressed in the implementation of particular key performance areas; what challenges they faced and how they addressed them. The challenges that they could not address are provided for in the report as limitations. A summary of the successes achieved in the implementation of the Act during the report period completes the report.

CHAPTER 1

INTRODUCTION

┌ This Consolidated Annual Report begins by reminding us how far we have progressed in establishing a child justice system that respects the values and ethos of our constitutional commitments in South Africa └



In marking the end of the 3rd year of the implementation of the Act, this Consolidated Annual Report begins by reminding us how far we have progressed in establishing a child justice system that respects the values and ethos of our constitutional commitments in South Africa, especially in relation to the protection of the rights of children in conflict with the law. It is again that time for us to reflect on successes realised thus far, whilst exploring possible ways of overcoming challenges for successful on-going implementation.

1.1 The Child Justice Legal Framework

Section 28 of the Constitution expressly guarantees every child special protection and enjoyment of certain rights. In no particular order, this includes the right:

- Not to be detained, except as a measure of last resort, and if detained, only for the shortest appropriate period of time.
- To be treated in a manner and kept in conditions that take into account the child's age.
- To be kept separately from adults, and to separate boys from girls, while in detention.
- To be protected from maltreatment, neglect, abuse or degradation.
- To family, parental or appropriate alternative care.
- Not to be subjected to practices that could endanger the child's well being, education, physical or mental health, or spiritual, moral or social development.

The need to protect the child is further endorsed by the statement in Section 28(2) that “a child's best interests are of paramount importance in every matter concerning the child.”

South Africa is a signatory to the 1989 United Nations Convention on the Rights of the Child, which was ratified on 16 June 1995. Our Constitution mirrors the significant human rights defined by this Convention, which all Government Departments and Institutions are expected to safeguard and promote. South Africa also ratified the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography in 2003 and the Optional Protocol on the Involvement of Children in Armed Conflict in 2009. The African Charter on the Rights and Welfare of the Child was also ratified by this country on 7 January 2000.

The following reports were made to the Expert Committee under the active monitoring processes of the Department of Women, Children and People with Disabilities (DWCPD):

- South Africa presented its first report in 1998 and received the Committee's concluding observations in 2000;
- South Africa's first report on the implementation of the African Charter on the Rights and Welfare of the Child;
- South Africa's combined 2nd, 3rd and 4th Periodic State Party Report on the Rights of the Child for the period of 1998 to September 2012; and
- Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.

At the period of this 3rd Consolidated Annual Report, the three last reports referred to above have just been approved by Cabinet for depositing to the relevant committees respectively. These reports indicate that South Africa has made remarkable progress in the development of a substantive legal and policy framework to safeguard children's rights and well-being. It has developed significant implementation mechanisms and shows evidence that the fiscal resourcing is accumulatively improving. It has however, also pointed to important gaps and challenges which will be addressed by the relevant implementing Departments and coordinated by the DWCPD and other intergovernmental structures such as the strong Inter-Sectoral Child Justice structures under the guidance of the Director General.

The submission of the periodic reports to the AU Expert Committee on the Rights and Welfare of the Child and the UN Committee on the Rights of the Child is in line with international treaty law and obligations. It constitutes a barometer on how the nation is progressing on the realisation of children's rights and well-being. The UNCRC and African Charter on the Rights and Welfare of the Child have been harmonised (domesticated) in the Constitution and all legislation pertaining to children in South Africa.

The National Development Plan in its approach and priorities for children draws strongly from these values and guidance.

Other Related Legislation

Other pieces of legislation that support the implementation of the Act include:

- The Criminal Procedure Act No 51 of 1977 (as amended).
- The Children's Act No 38 of 2005.
- The Probation Services Act No 116 of 1991 (as amended).
- The Correctional Services Act No 111 of 1998 (as amended)

The Child Justice Act No 75 of 2008

In ensuring compliance with the Constitution and the international obligations, Parliament promulgated the Act, which came into effect on 01 April 2010. This Act addresses the ills of the past, which forced children in conflict with the law to face the hard conditions of the criminal justice system which were primarily designed for adult offenders.

The Act introduces certain reforms in the criminal justice system to ensure that children in conflict with the law are treated in a manner that takes into account their age, vulnerability and special needs, such as developmental needs. It gives children a chance to benefit from intervention programmes and sentencing options aimed at rehabilitating them for the purposes of ensuring that they are ultimately re-integrated back into families and communities where they could become law-abiding citizens.

At the period of this 3rd Consolidated Annual Report, the three last reports referred to above have just been approved by Cabinet for depositing to the relevant committees respectively. These reports indicate that South Africa has made remarkable progress in the development of a substantive legal and policy framework to safeguard children's rights and well-being. It has developed significant implementation mechanisms and shows evidence that the fiscal resourcing is accumulatively improving. It has however, also pointed to important gaps and challenges which will be addressed by the relevant implementing Departments and coordinated by the DWCPD and other intergovernmental structures such as the strong Inter-Sectoral Child Justice structures under the guidance of the Director General. It represents a rights-based approach to dealing with children suspected and accused of committing offences, but mainly to ensure children's accountability and respect for fundamental freedoms of others. This is achieved through the introduction of diversion, alternative sentencing and restorative justice options in the criminal justice system.

The Act promotes a collaborative and coordinated approach by all sectors in the establishment and management of a child justice system in South Africa. It creates interdependencies between role-players that result in the unified execution of responsive and preventative measures within the value chain of the child justice system.

National Policy Framework

The Act further provides for the development of a National Policy Framework (NPF) on Child Justice, which came into effect in April 2010. This NPF sets out the key priority areas that guide the monitoring of the Inter-Sectoral performance and the execution of reporting functions in terms of the implementation of the Act.

It is also a policy that was developed to promote Inter-Sectoral partnerships with the non-Governmental sector and civil society for the purposes of strengthening the child justice system in South Africa. It is in response to the spirit of this NPF that the National Operational Inter-Sectoral Committee on Child Justice has invited dedicated membership of non-Governmental organizations (NGOs). This Committee is chaired by the Department of Justice and Constitutional Development and in addition to the NGO's, it has the representation of all implementing Departments and Institutions.

1.2 The 3rd Consolidated Annual Report and its Objectives

In compliance with Section 96(3) of the Act, the Minister of Justice and Constitutional Development, in the past two years, tabled in Parliament the first and the second Consolidated Annual Reports on the Implementation of Act. The first report took a foundational approach to reporting and established a baseline from which future reporting would be guided. However, the second Annual Report introduced a comparative approach to reporting to determine progress on the implementation of the Act. For the very first time, role players could evaluate their performance based on the deliverables in terms of the Act and its National Policy Framework.

The 3rd Consolidated Annual Report builds on the previous reports to create a broader evidence-base on the implementation of the Act. It stands as the impression of collective performance by Government to determine how far the aims and objects of the Act have been realised. The objectives of this 3rd Consolidated Annual Report are to:

- Highlight successful achievements by the various reporting Departments and Institutions;
- Provide a comparative and evaluative analysis of the annual performances of the role players since 01 April 2010 when the Act became effective; and
- Identify limitations and possible measures to address them.

Section 96(3) of the Act requires the Minister of Justice and Constitutional Development (DoJ & CD) to table in Parliament individual Annual Reports compiled by his Department, the National Prosecuting Authority (NPA), South African Police Service (SAPS), Department of Correctional Services (DCS), Department of Social Development (DSD), Department of Basic Education (DBE) and the Department of Health (DOH).

However, in the promotion of the Inter-Sectoral nature of the implementation of the Act, the Directors-General Inter-Sectoral Committee on Child Justice found it proper to develop a Consolidated Annual Report, which will be accompanied by the individual departmental reports, as required by the Act.

This is to ensure that Parliament receives the collective impression of Inter-Sectoral implementation that allows a broader space to track down the interdependencies and also determine how they can be managed better. In compliance with the NPF on Child Justice, the structure of this Consolidated Annual Report is no different from the previous reports. It follows the ten (10) key performance areas, as outlined by the NPF. The next chapters have therefore been crafted in terms of these thematic areas.

CHAPTER 2

GOVERNANCE AND COORDINATING STRUCTURES

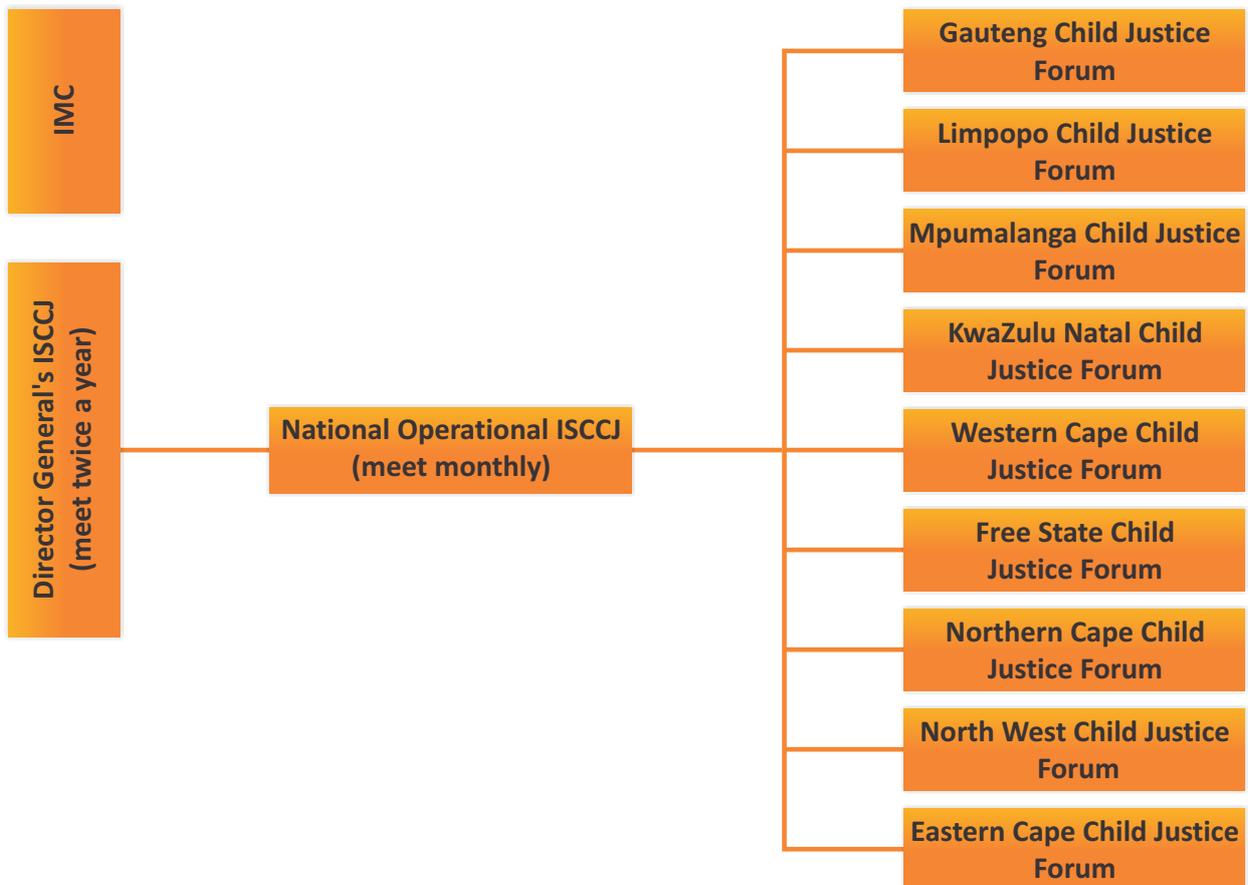
Section 94 of the Act provides for the establishment of an Intersectoral Committee for Child Justice to monitor the Inter-Sectoral implementation of the Act



2.1. Introduction

The Act unequivocally expresses the Inter-Sectoral establishment and management of the child justice system as the paramount imperative. Sections 89 and 96 of the Act establish integrated political accountability in the implementation of the Act by requiring the Minister DoJ & CD to consult with the Ministers responsible for South African Police Service, Correctional Services, Social Development, Education and Health to ensure progressive Inter-Sectoral management of the child justice system in the country. Likewise, section 94 of the Act further requires the establishment of the Inter-Sectoral Committee for Child Justice to ensure an Inter-Sectoral administrative management of all endeavours aimed at realizing the objects of the Act. In this chapter, the governance structures established in terms of the Act and their key deliverables are briefly discussed.

Diagram 1: Governance Structures



2.2. Coordination Structures of the Implementation of the Act

Diagram 1 represents the governance structures that currently monitor the implementation of the Act. These structures are located at different levels of management, and are working together to achieve the aims of the Act. The Act has placed the leadership role at the DOJ & CD; hence all these structures are chaired by this Department.

2.2.1 The Inter-Ministerial Committee

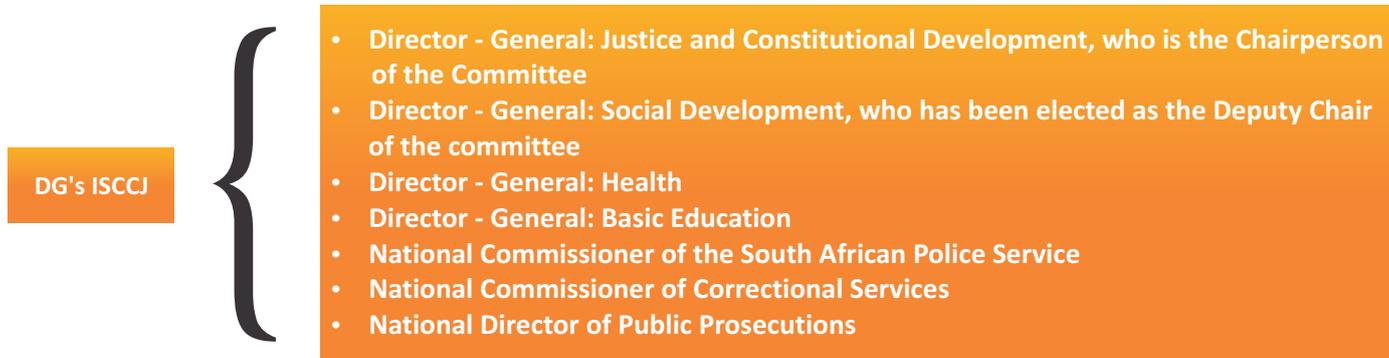
The Act places political accountability for the effective establishment and management of the child justice system in South Africa under the leadership of the Minister of DOJ & CD. It requires the Minister to consult with the cabinet members responsible for South African Police Service, Correctional Services, Social Development, Basic Education and Health in matters relating to the progressive implementation of the Act.

The Justice Crime Prevention and Security (JCPS) Inter-Ministerial Committee, chaired by the Minister DOJ & CD, has the mandate to rid our society of crime by ensuring that all people in South Africa are and feel safe. This mandate automatically carries the agenda of monitoring the realization of the goals of the Act in the country. As part of its responsibilities, this Committee receives performance reports from the Directors-General Inter-Sectoral Committee to assist it with its monitoring functions. It also carries the responsibility to adopt the Annual Reports on Child Justice before the Minister of DOJ & CD can table them in Parliament.

This Committee is also consulted by the Minister DOJ & CD in all matters relating to the establishment of One Stop Child Justice Centres (OSCJs). This is executed in compliance with section 89 of the Act.

2.2.2. Directors-General Inter-Sectoral Committee on Child Justice (DG's ISCCJ)

Section 94 of the Act provides for the establishment of an Intersectional Committee for Child Justice to monitor the Inter-Sectoral implementation of the Act and its NPF. This Committee is called the Directors-General Inter-Sectoral Committee for Child Justice (DG's ISCCJ), and its constitution is prescribed by the Act as follows:



In terms of section 95 of the Act, the DG's ISCCJ must meet at least twice a year, and must also report in writing to the Minister of DOJ & CD the progress on all matters relating to the execution of its responsibilities, functions and duties listed under section 96 of the Act.

This Committee developed Terms of Reference to guide governance issues relating to the monitoring of the implementation of the NPF and the Act. During this time of reporting, it held three meetings that had the following forming part of the agenda:

4 April 2012	}	<ul style="list-style-type: none"> Consideration and adoption of the 2nd Consolidated Annual Report on the Implementation of the Child Justice Act, 2008. Possible establishment of an additional OSCJC in the Eastern Cape. Finalization of the establishment of the OSCJC in North West, and deliberations on outstanding activities, including the receipt of Ministerial Letters of Agreement. Progress reports on key deliverables by implementing stakeholders.
10 October 2012	}	<ul style="list-style-type: none"> Consideration of the half yearly report on the implementation of the Act. Delays on the establishment of the Matlosana OSCJC in North West, mainly caused by the non-submission of Ministerial Letters of Agreement. Progress reports on key deliverables by implementing stakeholders.
26 March 2013	}	<ul style="list-style-type: none"> The launch of the designated OSCJC at Motlasana by Gazette Notice on 22 February 2013. Drafting of the 3rd Annual Report. Progress reports on key deliverables by implementing stakeholders.

2.2.3 National Operational Inter-Sectoral Committee on Child Justice (Op ISCCJ)

The DG's ISCCJ established the National Operational Inter-Sectoral Committee for Child Justice (OP ISCCJ) to provide technical assistance, support and advice in all matters relating to the execution of the responsibilities, functions and duties of the DG's ISCCJ enumerated under section 96 of the Act. The OP ISCCJ consists of representatives from the National Implementing Departments, Chairpersons of the nine (9) Provincial Child Justice Fora, Chapter 9 Institutions, and NGO's working in the child justice sector. This committee meets monthly to execute its operational tasks mandated by the DG's ISCCJ, and is chaired by the DoJ & CD. The DSD Minister is the Deputy Chair of the Committee. Amongst its deliverables, the OP ISCCJ—

- Compiled the 2nd Consolidated Annual Report for tabling in Parliament by the Minister of DoJ & CD;
- Presented the 2nd Consolidated Annual Report to the Portfolio Committee of SAPS;
- Considered requests for the establishment of OSCJCs at sites proposed by certain Provincial Child Justice Fora. However, none of the proposed sites met the requirements of the National Guidelines for the Establishment of the OSCJCs. Some of the proposals required millions of rands either for the complete construction of the sites or conversion of existing sites into OSCJCs;
- Finalised the establishment and designation of the Matlosana OSCJCs, with the assistance of the DoJ & CD;
- Considered and adopted reports received from the Provincial Child Justice Fora;
- Considered for solution operational challenges submitted by the Provincial Child Justice Fora;
- Set up a Task Team to investigate the viable options of assisting NGO's that were closing down due to lack of funding; and
- Assist in the execution of the Inter-Sectoral public education and awareness media campaign conducted by DoJ & CD.

2.2.4. Provincial Child Justice Fora (PCJF)

PCJF were established primarily to ensure the effective monitoring of implementation processes at the Provincial level. They report directly to the National OP ISCCJ. Each Forum consists of mandated representatives from the different departmental role-players, Institutions, NGOs and other relevant stakeholders. PCJF meetings are held at least monthly. Issues that cannot be resolved at a Provincial level are escalated to OP ISCCJ. This engagement leads to the Act being uniformly implemented throughout the country.

2.2.5 International Reporting and the role of the Department of Women, Children and People with Disabilities (DWCPD)

Even though the Department of Women, Children and People with Disabilities (DWCPD) is not an implementing Department and therefore not part of the sectors responsible for the implementation of the Act, it is the responsibility of this Department to monitor the performance of all Departments who work on the Act.

The DWCPD was established in 2009 to promote, coordinate and monitor the realisation of the rights and empowerment of women, children and people with disabilities. Within the context of this mandate the DWCPD actively participates in the Inter-Sectoral Coordinating Child Justice Structures. DWCPD is especially responsible for advocacy, coordinating, monitoring and reporting on the progress that the country has made in domesticating and implementing the international treaties it had signed, the Constitution and national legislation and policies of the country. The Act is therefore implemented and monitored within this context.

2.3 Key Performance Areas of the Governance Structures

The agenda of the engagements of all governance structures is structured in line with the ten key priority areas outlined by the NPF.

The deliverables in terms of these thematic areas are discussed in the next chapter.



CHAPTER 3

PROGRESS IN THE IMPLEMENTATION OF KEY PRIORITY AREAS



Our progressive efforts to establish a
Child Justice System in South Africa.

The NPF sets out the following key priority areas to guide the implementation of the Act:

- (i) Building capacity in the sector;
- (ii) Ensuring assessments of children;
- (iii) Preliminary inquiries;
- (iv) Sentencing;
- (v) Provision of diversion and alternative sentencing services;
- (vi) Establishment of Child and Youth Care Centres;
- (vii) Establishment of One Stop Child Justice Centres;
- (viii) Resources and budgets;
- (ix) Public education and communication; and
- (x) Development of necessary IT and IJS systems to support Information Management Systems.

NOTE WELL

For easy reading, please note that each key priority area has been discussed separately in terms of the performance of each implementing Department or Institution.

3.1. Building Capacity

*A total of 45 292 personnel were trained from 2010 to 2013.
7278 of these were trained in the 2012/2013 period.*

The NPF defines capacity building in terms of progressive skills development of the personnel, appointment of human resources and the provision of physical infrastructure by the implementing stakeholders.

3.1.1 Training

Table 1 outlines the training interventions undertaken by the various Departments and Institutions during this reporting period. Reference to the number of people trained, as well as the course content, is made. It must be noted that the training initiatives differ from year to year as they are designed to respond to the identified needs of the time. However, some of the training programmes are on-going.

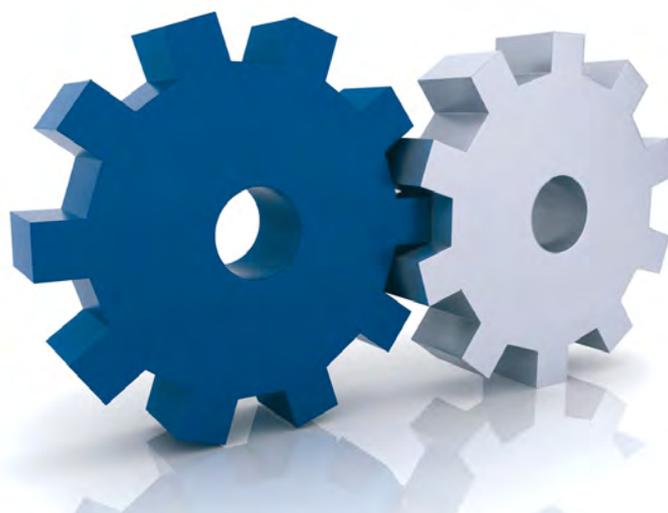


Table 1: Summary of Training Interventions held in the past 3 financial years:

DEPARTMENT / INSTITUTION	TRAINING CONTENT	NO OF PERSONNEL TRAINED			
		2010 - 2011	2011 - 2012	2012 - 2013	TOTAL
	Children and Youth at Risk Learning Programme	602	508	730	1840
	3517 Vulnerable Children Workshop (1 Day Information sessions)	5911	3358	1021	10290
	(The one day work session is an introduction to the Child Justice Act)				
SOUTH AFRICAN POLICE SERVICE (SAPS)	3518 Child Justice Act and National Instruction Workshop (2 Day In-service Training) The Child Justice Act 2008 (Act 75 of 2008), Children's Act 2005 (38 of 2005), National Instruction 2/2010, National Instruction 3/2010, Relevant forms such as SAPS 583 (a) to (j)).	12244	4059	2150	18453
	3519 Vulnerable Children Learning Programme (5 Day Learning Programme) (Social context, to sensitise members to circumstances leading to child criminality and the rehabilitative objectives of the child justice system; Legislative and other regulatory framework)	1926	1674	1987	5587
SUB TOTAL	TOTAL MEMBERS TRAINED	20683	9599	5888	36170

DEPARTMENT / INSTITUTION	TRAINING CONTENT	NO OF PERSONNEL TRAINED			
		2010 - 2011	2011 - 2012	2012 - 2013	TOTAL
National Prosecuting Authority (NPA)	Prosecutors trained on a set curriculum including inter-alia: Social context; Directives; Placement; Diversion; Criminal Capacity; Assessments, Age Determination,	349	214	54	617
Sub - Total		349	214	54	617
Department of Justice and Constitutional Development (DoJ & CD)	5 –Days Colloquium on Child Justice for District Magistrates (CD:PRVG)	567	225	60	852
	2- days course for Court clerks- trained on their duties in terms of the Act and its Regulations (Justice College)	395	190	97	682
	2- days course on Child Justice for prosecutors- trained on the Act, the Regulations, and Case Law (Justice College)	-	-	160	160
	Inter-Sectoral Training on Child Justice	-	100	-	100
	Colloquium on Child Justice Act for the Regional Magistrates (CD:PRVG& SAJEI)	-	180	200	380
SUB TOTAL		692	695	517	2174
Department of Correctional Services (DCS)	Spiritual Care Services trained on spiritual care (2 days); Family life and self-image programmes (5 days)	146	109	72	327
	Training on Trauma Debriefing for Children offered by	-	3	-	03

DEPARTMENT / INSTITUTION	TRAINING CONTENT	NO OF PERSONNEL TRAINED		
		2010 - 2011	2011 - 2012	2012 - 2013
	UNISA for social workers			
Sub - Total		146	112	72
	Training on reception, assessments and referrals	-	231	Advanced Training 231
	Training on Guidelines for Probation Services	854	285	-
	Training of Master trainers on therapeutic programmes	-	205	225
	Training on Integration Social Crime Strategy.	-	345	320
	Training on Probation Case Management and Accreditation Systems for Diversion (ADS).	-	124	60
	Training on Policy Framework on Accreditation of Diversion	-	-	141
Sub - Total		854	1190	747
Department of Basic Education (DBE)	Training on the Act for school management teams and Provincial coordinators.	53	-	-
Sub - Total		53	-	53
	Training on the Act for Specialists on Child Justice.	64	Normal Training Programme Followed	64
Legal Aid South Africa (LASA)	Training modules for various categories of practitioners: the Act, children awaiting trial, sentencing, age determination, diversion determination and assessment, criminal capacity, P'l's.	1238	1855	-
				3093

DEPARTMENT / INSTITUTION	TRAINING CONTENT	NO OF PERSONNEL TRAINED			
		2010 - 2011	2011 - 2012	2012 - 2013	Total
	criminal capacity, PI's.				
Sub Total		1302	1855	-	3157
Total		24349	13665	7278	45292

This table provides a broad spectrum of training programmes and services provided by role players. Most importantly, it shows a remarkable rise in the number of personnel trained to improve services in the child justice system.

Table 2: Training programmes and services provided by role players to achieve the goals of the Child Justice Act

DEPARTMENT / INSTITUTION	LEARNING PROGRAMME OR SERVICE PROVIDED	PROGRAMME CONTENT
South African Police Service (SAPS)	5 -day Vulnerable Children Learning Programme.	5 -day Vulnerable Children Learning Programme. Social context, to sensitise members to circumstances leading to child criminality and the rehabilitative objectives of the child justice system; Legislative and other regulatory framework; Relevant forms used to notify the probation officer; SAPS process flow charts; Case Studies (including previous court cases, new cases and practical scenarios to be discussed in groups); Resource guide, an easy-to-use guide explaining what can be found in the National Instruction Role Play 2-day Vulnerable Children in-service Training Programme Sessions
	2-day Vulnerable Children in-service Training Programme Sessions	Relevant legislation: The Child Justice Act 75 of 2008; Children's Act 38 of 2005 as amended; SAPS National Instruction 2/2010; SAPS National Instruction 3/2010; Relevant forms --- SAPS 583 (a) to (j).

DEPARTMENT / INSTITUTION	LEARNING PROGRAMME OR SERVICE PROVIDED	PROGRAMME CONTENT
	1-day Vulnerable Children Information Sessions.	Understanding the Child Justice Act; Children's Act; SAPS National Instruction 2/2010; SAPS National Instruction 3/2010; and Relevant forms.
	Provincial Capacity Building Workshop Sessions.	These sessions were arranged by SAPS Head Office in co-operation with the Civilian Secretariat for Police to address specific challenges identified during station visits. Content includes an introduction to Child Justice and discussion of corrective measures and correct procedures to be followed, the need for training for members and proposals for how to improve co-operation between service providers at local level dealing with child offenders.
	Station Lectures	The content of the relevant Instruction is discussed with all members within a station environment. These matters are less formal and can respond to, for example, shortcomings observed during inspections, complaints and requests from other Departments or service providers.
	Inter-Sectoral Training	Inter-Sectoral training programmes presented at Provincial level to improve collaboration with other stakeholders.
Department of Justice and Constitutional Development (DoJ & CD)	Information Sessions for the judiciary	The Child Justice Act; interpretation; the judicial role in the implementation of the Act; diversions; age determination; sentencing options; relevant case law.
	Clerks of the Court	Social Context; role of clerks in the implementation of the Child Justice Act; Regulations of the Act; National Policy Framework; etc.
National Prosecuting Authority (NPA)	Reviewed and updated the current learning material to be in line with the latest developments in law.	Curriculum of the training sessions includes inter-alia: The social context; criminal capacity; assessments, age determination; securing attendance & placement; diversion; preliminary inquiry; trial; Sentencing; Legal Representation; Reviews; Appeals & Expungement; Process Maps; NPA Policy Directives; Regulations developed by the Department of Justice and Constitutional Development; Relevant Case Law in line with Child Justice Act.
Department of Correctional Services (DCS)	For Remand Detainee Children: Spiritual Care Social Work Services	The Spiritual Care services and programmes provided include: Faith services; individual pastoral care services; moral renewal programmes (Heartlines, Combating HIV and AIDS through Ethical and Spiritual Conduct (CHATSEC); need-based programmes such as Anger Management; Pre-release, Uyaphimanje (Where from here?); Building Relationships Programme; and Religious development programmes of different faiths and churches; assessment, Life Skills & Substance Abuse
	For Sentenced Children: 623 Social Work Services	Support services, Life Skills, Assessment, Substance Abuse, Family Care, Orientation, Substance Abuse, SOP, Pre-release & Family Care and Life skills.
	Health Services	Children afforded treatment; continuous health assessment for the children that are sick and those on continuous medications like epilepsy and other chronic

DEPARTMENT / INSTITUTION	LEARNING PROGRAMME OR SERVICE PROVIDED	PROGRAMME CONTENT
		and communicable diseases are given their daily treatment in the centres' clinics. Services that are rendered in the clinics include prevention, promotive and curative programmes as well as referral services
	Correctional programmes	11 internal correctional programmes are offered to offenders: Pre-Release, Substance Abuse, Anger Management, Sexual offenders, Orientation on Restorative Justice, Cross Roads, New Beginnings, Behaviour Modification on Gangsterism and two economic crime programmes (one addressing theft and one addressing fraud) and Changing lanes (targeting murder and related offences).
	Spiritual Care Services & Services	Moral Renewal Programmes: Heartlines, Combating HIV and AIDS through Ethical and Spiritual Conduct (CHATSEC); Need-based Programmes such as Anger, Management, Pre-release, Building Relationships Programme, and Religious development programmes of different faiths and churches.
Department of Social Development (DSD)	The Integrated Social Crime Prevention Strategy Training on Probation Case Management and the Accreditation of Diversion Information System	To strengthen social crime prevention services. To further improve and enhance the performance of the officials in the Social Crime Prevention unit, officials were trained in the use of the Probation Case Management (PCM) and the Accreditation of Diversion Information Systems.
	Policy Framework on Accreditation of Diversions	Developing capacity within all levels of Government and non-Governmental sector to establish, maintain and develop programmes for diversion.
	Guidelines for Probation Services	Aimed at ensuring common or same understanding on implementing the requirement of the Act by Probation Officers, Assistant Probation Officers and Child and Youth Care Workers: Introduction and Outline; Responsibilities of POs and APOs (general and specific); Responsibilities of CYCWs (general and specific)
	Therapeutic programmes	Wake up call (Substance Abuse Programme); Reverse your thinking (Restorative Justice Programme); Mind the Gap (Aftercare Programme); In the Mirror (Sex Offender Programme); Rhythm of Life (Personal Development Skills Programme)
Department of Basic Education (DBE)	Vocational programmes	Technical and skills training such as wood work, motor mechanic, plumbing, basic computer skills, sewing and entrepreneurship.
Legal Aid South Africa (LASA)	Extensive training material on all aspects of the Act. Legal Managers present training workshops to ensure that all practitioners, including candidate attorneys undergo training. The training material posted on an electronic training site called e-learning for easy access	The content of the training material includes all aspects of the Act and enables all practitioners to protect and defend the rights of children and is available for viewing.
Department of Health (DoH)	Policy guidelines on implementation of Section 11 of the Act (i.e. criminal capacity evaluations of children (10-14 years)	The content of the guidelines and training will include: the broader context of the Act; the role of the various role players in the implementation of the Act; methodology of criminal capacity assessment of children; what should be included in the report for the court; and the type of recommendations that can be made by the evaluating practitioner

South African Police Service: 36 170 Officers Trained to date

SAPS continued its training programme with a focus on the 5 days Vulnerable Children Learning programme intended to provide members with thorough training in respect of SAPS responsibilities and processes in terms of the Act and National Instructions. In the past year additional trainers were also trained to assist in intensifying the implementation of this training programme.

In terms of improving on training, it has been proposed that a reviewed SAPS Training Plan for the next 5 years should be conducted in order to include:

- Strategies to ensure that first responders who are the ones most likely to come into contact with children should always undergo the 5 day programme. First responders include:
 - Community Service Centre members (front line services at police station to whom crimes are often reported);
 - Emergency services (including 10111 Services);
 - Visible Policing members who conduct patrols, including as part of sector policing; and
 - Border police. These members may come across children in the course of their duties e.g. border patrols, and therefore should attend this course;
- On-going training strategies such as ensuring refresher courses for trainers (Continuing Professional Development) and on-going training of the new intake is also supported.
- Supplementary capacity building strategies such as station lectures are also an option to be considered.
- Inclusion of the Vulnerable Children Learning Programme in the basic training programme for new police recruits.

Impact of Training

SAPS National Office visited 27 police stations to review compliance to the Act and National Instructions during the financial year. One of the findings resulting from the visits was that stations of which the Station Commander and/or Cluster Commander or Cluster Co-ordinator completed the Vulnerable Child learning programme, achieved higher levels of compliance. These Station Commanders, Cluster Commanders or Cluster Coordinators had a better understanding of the SAPS responsibilities and could provide better guidance and on the job training to members. They also could take the lead in establishing working relationships with other service providers.

National Prosecuting Authority: 54 Prosecutors Trained

Section 97(4) (a) and (e) of the Act respectively places a responsibility on the National Director of Public Prosecutions to develop Directives and training courses for prosecutors. The details of the training courses must include training on the developed Directives, social context training in respect of child justice and provide for and promote the use of uniform norms, standards and procedures.

In 2012/2013, the NPA set a target number 117 Prosecutors to be trained but only 54 were trained due to unforeseeable budget constraints. In addressing this challenge, NPA has taken a decision to focus its training endeavours only on Prosecutors who work in Child Justice Courts. The total number of Prosecutors trained over the three years of implementation amounts to 617. In addition, more Prosecutors received training through Justice College.

Through these training programmes, Prosecutors are able to deal with child justice matters in an appropriate, efficient and sensitive manner.

Department of Justice and Constitutional Development: 517 Court Personnel Trained

Justice College is responsible for the training of the clerks of the court on the Act, whilst the South African Judicial Education Institute (SAJEI) has the mandate to train the Judiciary on the Act.

During this period under review, the Department trained 97 Clerks of the Court and 160 Prosecutors. A workshop on Child Justice was conducted for 60 District Magistrates with the assistance of the National Office. From this colloquium, a Child Justice Resource Guide for District Magistrates was developed. This Resource Guide is intended to serve as an in-service training tool for the District Magistrates so as to ensure uniformity in the execution of the judicial role on child justice. In March 2013, SAJEI held a colloquium on Child Justice for 200 Regional Magistrates. This training was intended to improve the judicial knowledge on diversions, sentencing options, etc.

During the period under review, the Department experienced a serious decline in the number of personnel trained, and its training Institutions have reported budgetary constraints as being the primary cause for this reduction.

Department of Correctional Services: 72 Officers Trained

During this reporting period, most of the training interventions that took place within the Department were on programmes that the DCS developed for remand and sentenced children, as is indicated in Table 2. The two programmes that were used were on Spiritual Care Services and Social Work Services.

It is worth-noting that a total number of 385 remand children were involved in programmes rendered by the DCS. 623 sentenced children attended social programmes. Health services extended to 110 children sentenced for sexual assault cases and those receiving PEP amount to 77. The number of children receiving health services for non-communicable and communicable diseases amount to 8358 and this includes remand children. Mental health care was extended to 2397 children and includes remand children.

The impact of the training on the processes of implementation is that officers are able to deal with children in conflict with the law in an appropriate and sensitive manner.

Department of Social Development: 747 Practitioners Trained

The target in the Performance Plan for the training of officials on the implementation of the Act has been met across the three years of reporting. The details of the training content are provided in Table 2 above.

Impact of the training on the implementation of the Act has been that there is now increasing compliance with the provisions of the Act and services are being improved.

Legal Aid South Africa

Training for LASA practitioners on the Act was rolled out more extensively in the 2010/2011 financial year to ensure the readiness of the practitioners for the implementation of the Act. Since then, the child justice training is incorporated into the on-going training programme, which takes place at Justice Centres, at both Regional and National levels. LASA has also developed e-learning modules which practitioners access on line to learn about any topic on child justice that is an area of need to them.

Department of Health

The Department developed policy guidelines for the implementation of section 11 of the Act, which deals with the determination of a child's criminal capacity. It is envisaged that the policy guidelines will promote uniformity in the procedure followed by mental health care practitioners in implementing this provision. No training has been conducted yet on these guidelines as the Department is still in a process of developing training material. It should be noted that children requiring criminal capacity evaluations are not only referred to the DoH, but also to relevant and participating NGOs and to private sector psychiatrists and clinical psychologists as well.

The Department experiences a shortage of clinical psychologists and psychiatrists in the public sector. One strategy adopted by the Department to help mitigate these shortages is that every year the Department places an advertisement in a National newspaper inviting private sector psychiatrists and clinical psychologists who are willing to conduct forensic mental health evaluations for the courts to submit their names. The Department then compiles a database of these practitioners, which is annually updated. To comply with the payment demands of this sector, the Department has requested that tariffs be revised and this process is under consideration.

Table 3: Number of private psychiatrists and clinical psychologists prepared to conduct evaluations for the courts

NATIONAL	INTERVENTION BY DEPARTMENT	Clinical Psychologists	PSYCHIATRISTS
		2012 / 2013	
	Number of private psychiatrists and clinical psychologists prepared to conduct evaluations for the courts	54	32

3.1.2. Infrastructure

During the period under review, the implementing Departments and Institutions participated in a process of addressing infrastructural limitations as follows:

South African Police Service

The SAPS requires more space at the existing OSCJs to conduct their child justice responsibilities and duties. The Department conducted a work study investigation to support the establishment of facilities like OSCJs. The study proposes an increase of resource allocations in order to enable functionality of these centres.

The proposal is still under consideration. The SAPS also participated in the development of Service Level Agreements for the existing OSCJs.

Department of Justice and Constitutional Development

The Department converted the Matlosana Child and Youth Care Centre (CYCC) into the OSCJC. In February 2013, the Minister of DoJ & CD designated the CYCC as a OSCJC in terms of section 89(6) of the Act by issuing a notice in the Gazette that defined its jurisdictional areas of the centre in the surrounding areas of North West Province. Since February 2013, this centre has been fully operational. However, attempts to establish another OSCJC at Khayaletumba Children's Home, in Mdantsane, Eastern Cape failed due to the exorbitant costs of refurbishment which were estimated at R28 million.

Despite the assistance of the Provincial Child Justice Fora, it has been difficult to find an existing building that can be converted into an OSCJC. As a result, the Department is now in a process of amending the National Guidelines for the Establishment of OSCJs.

To date, there are three fully operational OSCJs in the country, and these are:

Table 4: List of Designated One Stop Child Justice Centres (OSCJC's)

Province	Location	OSCJC	Year Of Designation
Eastern Cape	Port Elizabeth	Nerina OSCJC	2010
Free State	Bloemfontein	Mangaung OSCJC	2011
North West	Klerksdorp	Matlosana OSCJC	2013
Total = 03			

Department of Correctional Services

During the period under review, the Department needed additional accommodation for awaiting trial children, who totaled 135, but without success. These children could not be moved to the DSD facilities in view of the serious nature of the offences they are alleged to have committed. DSD does not have a secured infrastructure to keep them; hence no transfers were made. Currently, sentenced and remand children are held in units in Correctional Centers. Where there are no facilities for children, they are accommodated in single cells. During movement for meals and recreation, care is taken that they do not come into contact with other inmates/offenders, especially adult inmates.

The Department of Social Development and the Department of Basic Education

DSD and DBE are still investigating the viability of transferring the remaining Reform Schools and Schools of Industry that are currently managed by the DBE to the DSD where they will be converted into CYCCs. Pending the finalization of these investigations, the DBE continues to provide educational services to children at these Centres. More details of the transfers are provided under the section dealing with 'Establishment of Child and Youth Care Centres', on page 41.

Department of Health

The Department conducted an infrastructural audit at the ten (10) forensic units designated for forensic psychiatric evaluations. The audit findings revealed that each unit requires revitalization to make it more suitable for forensic psychiatric evaluations. At present, the criminal capacity evaluation of children who are 10 years or older but under the age of 14 years is done only for children who are out-patients so that they are not admitted in the hospital for this process.

3.2 Ensuring Assessment of Children

Assessments increased from 18 334 during 2011/2012 to 32 125 in the 2012/2013 financial year.

Section 34 of the Act requires that every child who is alleged to have committed an offence must be assessed by a probation officer, unless such assessment has been dispensed with by the prosecutor and only if it will be in the best interests of the child concerned to do so (s41(3) of the Act). The reasons for such dispensing must however be recorded by the Magistrate. In section 35, the Act lists nine (9) instances that must be considered during an assessment. For instance, the probation officer must assess the child to determine whether or not such a child is in need of care and protection in terms of the Children's Act.

The assessment must also, inter-alia, explore as to whether the child has been used by an adult to commit such crime. The age estimation, the need for the evaluation of criminal capacity, the prospects for the diversion of the case are also considered during an assessment.

In the child justice value chain, it is the DSD that takes the responsibility of conducting these assessments. However, there are a number of inter-dependencies in the service chain that need to be collectively managed. For instance, the Act requires the arresting officer to immediately notify the Probation Officer of any child being charged. The absence of this notification report may therefore lead to a variance between the number of charged children and the number of children assessed, if not properly monitored. It may also result in discrepancies featuring in other processes that may follow, like Preliminary Inquiry.

In ensuring that discrepancies of the previous year are restricted as much as possible, the following interventions were embarked upon from the entry point into the justice system:

3.2.1. Charges

South African Police Service

SAPS statistics indicates that 57 721 charges against children were recorded by the SAPS in the 2012/2013 financial year. 4 960 of these were charges involving sexual offences committed by children. It is however important to note that one child could have been charged more than once because the SAPS keep records of charges not the number of children who have been charged. The number of children involved could therefore be different from the total number of charges recorded.

The number of charges against children included in 2nd Child Justice Annual report for 2011/2012 was incorrectly captured in the report. The correct annual number for charges against children recorded by SAPS in 2011/2012 was 68 078.

During the 2012/2013 implementation year SAPS worked hard to ensure that probation officers are timeously informed of children charged or arrested. This would expedite the assessment of children. A copy of the SAPS 583 (b) Forms, which also functions as a written notice for the child to appear at a Preliminary Inquiry, is used to notify the probation officer once a written notice or summons has been handed to a child to appear at a Preliminary Inquiry or a child has been arrested. Information on designated probation officers and CYCCs was provided to all Provinces and police stations. Information on CYCC facilities, to which children may be referred, is available on the internal computer network (intranet) of the SAPS.

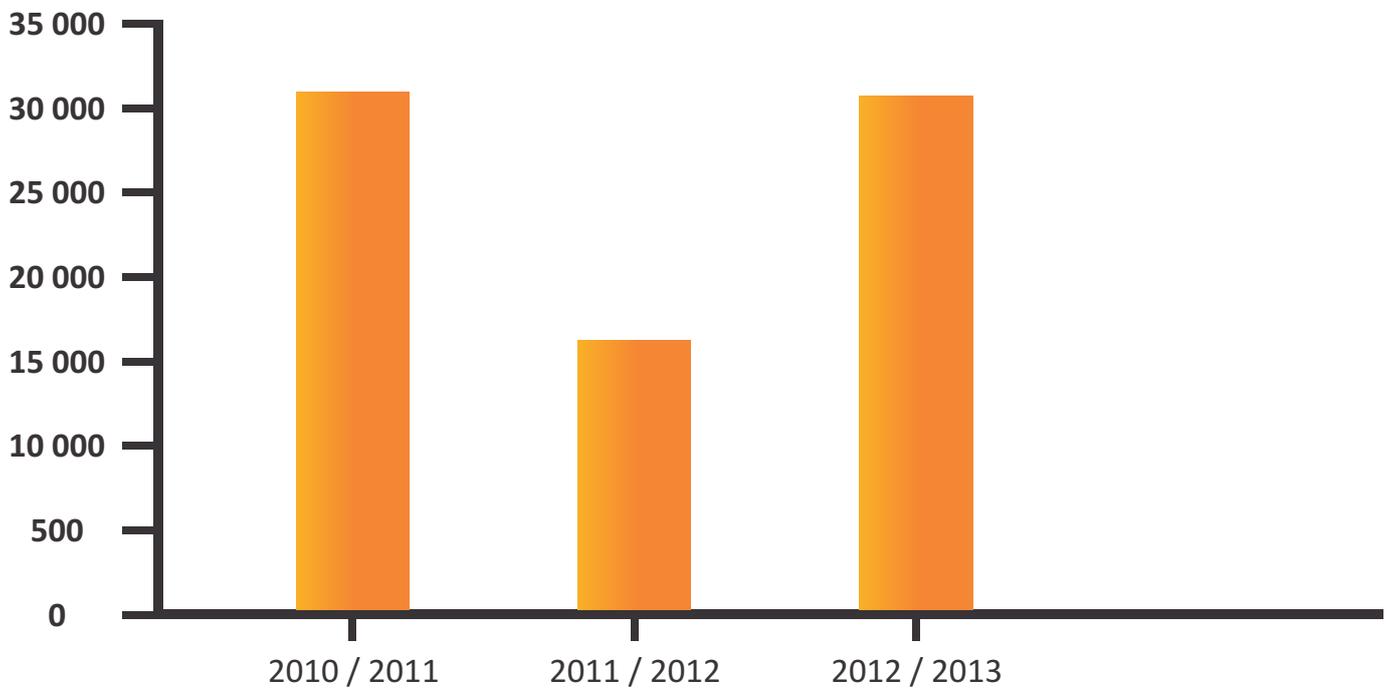
An information systems enhancement process is also underway to capture data on the notification of probation officers with regard to children under 10 years of age. Provinces are also encouraged to ensure that police stations agree on local service arrangements between the police officers and probation officers to expedite the handling of children on a 24 hour basis. This provides for a written record of local arrangements indicating contact details, contact persons and procedures, available to all members at station level.

Department of Social Development

DSD is mandated by section 34(1) to assess every child who is alleged to have committed an offence immediately after the probation officer has been notified by a police official that a child has been handed a written notice, served with summons or arrested.

Table 5: Total Number of Children Assessed during the period 2010/2011 to 2012/2013

TOTAL NUMBER OF CHILD ASSESMENTS PERIOD: 2010 / 2011 TO 2012 / 2013			
Period	2010 / 2011	2011 / 2012	2012 / 2013
No. Of Assesments	32 500	18 334	32 125
Total 82 959			



The above chart confirms that during the 3rd year of the implementation of the Act, 32 125 children were assessed by probation officers. This number shows a significant increase in assessments as compared to the 18 334 assessments that were recorded in the previous year. However, when compared with the 2010/2011 reporting period, a slight decline from 32 500 to 32 125 is noted. Nonetheless, the increased number of assessment ought to be construed as a positive response to the intervening actions taken during 2012/2013 to improve the interdependencies that prevail in the execution of assessments.

In improving coordination with SAPS, particularly in the areas of notification and sharing of information, DSD provided SAPS with a list of probation officers per police station with contact details, as required by the Act. The quality and development of standard assessment reports presented by probation officers to courts during preliminary inquiry sittings indicate that there is a significant compliance with assessment requirements. This shows that the ongoing training of probation officers on the compilation and presentation of quality reports to courts is paying off.

However, there is still a variance between the number of charges against children reported by SAPS and the number of assessments conducted by DSD. As indicated above, SAPS registered a total 57 721 charges against children, which may involve more than one charge per child. DSD recorded a total of 32 125 children assessed. It has been noted that the use of different information systems by the two Departments could be the major contributor to this variance. For as long as SAPS registers the number of charges, whilst DSD uses a head count in all assessments, discrepancies will always be inevitable. It is, however anticipated that this anomaly will be addressed by the establishment of interconnectivity in information systems between SAPS and DSD.

3.3 Preliminary Inquiries

Preliminary Inquiries increased from 17 822 in the 2011/2012 period of reporting to 25 517 during the 2012/2013 period

In terms of section 43 of the Act, a Preliminary Inquiry is an informal pre-trial procedure which is inquisitorial in nature. It is viewed as the first court appearance by a child, where the court, inter alia, considers the assessment report of the probation officer, with particular reference to the age estimation, the need to evaluate criminal capacity, if the child is 10 years or older, but under the age of 14 years. It is also during this inquiry where the court also considers the need to divert the matter before plea is tendered and determine the release or placement of the child pending finalisation of the Inquiry.

Department of Justice and Constitutional Development

The Act prescribes that all children in conflict with the law must attend a Preliminary Inquiry. Preliminary Inquiry forms have been developed and are utilised in courts to guide and monitor the process so as to ensure compliance with the Act. During this reporting period, an increase of 25 517 (43%) in the number of Preliminary Inquiries conducted was reported, as compared to the previous financial year. This comparison is presented below in Table 6. The same table further reflects statistics on criminal cases in Court.

Table 6: Preliminary Inquiries during the 2010/2011; 2011/2012 and 2012/2013 periods

PRELIMINARY INQUIRIES CONDUCTED DURING 2012 / 2013			NUMBER
Preliminary Inquiries conducted			25 517
Number of Preliminary Inquiries referred to the Children's Court			3 856
Number of Preliminary Inquiries referred to Child Justice Court for trial			10 821
PRELIMINARY INQUIRIES CONDUCTED OVER 3 YEARS	2010/2011	2011/2012	2012/2013
Preliminary Inquiries conducted	14 471	17 822	25 517
Percentage increase since 2010/2011	-	23%	43%

The on-going increase in the number of preliminary inquiries conducted may be construed as growth in the establishment of the child justice system in South Africa. Since 2010, the Department recorded a 76% increase in the number of preliminary enquiries conducted. It may, however also be seen as an alarm of an increasing rate offending among children, which will require intensified intervention actions.

In addition to the statistics prescribed by the Act, the following statistics on criminal cases involving child offenders in courts are also provided.

Table 7: Criminal Cases involving child offenders in Courts

CRIMINAL CASES IN COURT	NUMBER
Number that complied with diversion orders at Preliminary Inquiry sessions	4428
Cases withdrawn during Preliminary Inquiries	517
Children between the ages of 14 and 18 used by adults to commit crime	1 071

Legal Aid South Africa

Legal Aid Services were offered in 15 295 of the 25 517 Preliminary Inquiries recorded.

Due to budgetary constraints, LASA does not have dedicated practitioners to assist with Preliminary Inquiries, even in those areas where there is a dedicated Preliminary Inquiry court. Nevertheless, all LASA practitioners who serve in the normal courts are available to assist with Preliminary Inquiries in all cases where it is deemed necessary for the child to be assisted by a legal representative at Preliminary Inquiry stage. The request will normally come from the magistrate conducting the Preliminary Inquiry. During the period under review, 15 295 of the total of 25 517 Preliminary Inquiries conducted received legal representation by LASA.

Department of Health

During the preliminary inquiry the inquiry magistrate considers the assessment report of the probation officer with regards the age of the child in conflict with the law if the age is uncertain. If such child is 10 years or older but below the age of 14 years, section 11 of the Act requires that the prosecution should prove beyond reasonable doubt that such a child had the necessary criminal capacity to appreciate the difference between right and wrong at the time of the commission of the alleged offence, and to act in accordance with that appreciation.

The DoH hosts an Interdepartmental Forensic Mental Health Conference biennially, with the aim of promoting more efficient working relations with the various stakeholder Departments in the rendering forensic mental health services. The Departments and organisations participating are the SAPS, DoJ & CD, NPA, DSD, DoH and LASA. The last conference was held in May 2011 and the next one will be held in 2013. At the upcoming conference, issues relating to the section 11 criminal capacity evaluations will form part of the agenda. It must however be noted that the Department has a serious shortage of clinical psychologists and psychiatrists. A short-term intervention to this challenge has been the periodical issuing of public invitations to private clinical psychologists and psychiatrists, to make themselves available for assistance, through newspapers. To date, the Department has registered 54 private psychiatrists and 32 private clinical psychologists who are performing criminal capacity evaluations for courts in terms of section 11 of the Act (please refer to Table 3, above). However, the use of private clinical psychologists and psychiatrists is currently a huge threat to the budget of the DoJ & CD. These practitioners are charging DoJ & CD amounts that are far beyond the current tariffs stipulated by the Department's prescripts. In resolving this issue, DoJ & CD is in negotiations with the DoH to decide on the affordable standard tariffs for services offered by private practitioners

3.4 Sentencing

Custodial sentences 728. Of this number 320 children were serving custodial sentences as at 31 March 2013. Non-custodial sentences 5 120.

In establishing a child justice system, the Act provides for a number of sentencing options that take account of the child's age. In compliance with section 28 of the Constitution, the Act requires that the imprisonment sentence be imposed on a child only as a measure of last resort and for the shortest appropriate period of time. The sentencing options include:

- (i) Community-based sentences;
- (ii) Restorative justice sentences;
- (iii) Fines or alternatives to fines;
- (iv) Sentences involving correctional supervision;
- (v) Sentence of compulsory placement in child and youth care centre
- (vi) Postponement or suspension of the passing of sentence; and
- (vii) Imprisonment (only as a last resort).

Below are the Table that give statistics of the breakdown of sentences imposed against children during this period under review:

Department of Justice and Constitutional Development
Table 8: Total number of sentences imposed on children

Type of Sentence	2010/2011	2011/2012	2012/2013	TOTAL
Community-based sentences	60	795	687	1 542
Restorative justice sentences	137	405	508	1 050
Fines or alternatives to fines	34	37	Fines= 34 Alt to fines= 44 Sub-total = 78	149
Correctional supervision	804	302	179	1 285
Compulsory in a Child and Youth Care Centre	110	353	335	798
Postponement or suspension of passing of sentence	Not available yet	Not available yet	296	296
Total of non-custodial sentences	1 145	1 892	2 083	5 120
Imprisonment	536	94	98	728

From the above table, it can be deduced that there is a growing achievement of the goals of the Act, which primarily promote the imposition of non-custodial sentences as against the imprisonment sentences.

Since 2010, a total number of 5 120 non-custodial sentences were imposed on children, whilst a total of 728 custodial sentences were served by children.

Although a slight increase of 4 imprisonment sentences was recorded in 2012/2013, the DCS has reported that only 328 children of the 728 were serving imprisonment sentences as at 31 March 2013. This shows that the imprisonment periods were short, as required by our Constitution.

During this period under review, the Department improved its data collection tool by ensuring that data is collected for all sentencing options, as outlined in Part 2 of the Act. This upgrading process led to the collection of data on the postponement or suspension of passing of sentences in terms of section 78 of the Act. This data was collected for the very first time since 2010, and during 2012/2013 in 296 cases, the postponement or suspension of passing of sentence was utilised as a sentencing option.

Table 9: The breakdown of results of criminal cases

BREAKDOWN OF RESULTS OF CRIMINAL CASES AGAINST CHILDREN	NUMBER
Number of cases that were struck off the roll	1123
Number of children against whom warrants of arrest were issued for non-appearance in court	77
Number of children against whom charges were withdrawn	1384
Number of children convicted	201
Number of children acquitted	110
Total	2895

Department of Correctional Services

This section of the report provides statistics covering the following:

- Sentenced children (Section 96(1)(e)(viii) below 18 years old in DCS facilities;
- Remand children in DCS facilities; and
- Awaiting trial children placement in DCS

Except for an increase in the average number of children who committed crimes relating to narcotics (50% - from 2 to 4) and the number of children who committed other crimes that remained unchanged, the number of children in the other crime categories decreased as follows: Aggressive: 10 (6%); Economical: 15 (20%); and Sexual: 7 (6%).

Table 10: Sentenced children and remand children in DCS facilities

SENTENCED CHILDREN IN DCS FACILITIES	Total
Sentenced children admitted in DCS facilities	1 026
Sentenced children who were released from DCS facilities.	312
Sentenced children for admitted for committing sexual offences and were admitted in DCS facilities	197
Sentenced for committing sexual offences and were released from DCS facilities	62
Number of children sentenced to correctional supervision	179
Number of sentenced children in DCS facilities as on 31 March 2013	328
Average number of sentenced children serving sentences for sexual offences	101
REMAND CHILDREN ALLEGEDLY COMMITTING TOP FIVE CRIMES	Total
Number of children who were admitted to DCS facilities	3 058
Number of children who were released from DCS facilities	1 105
Number of children admitted in DCS for allegedly committing sexual offences as on 31 March 2013	35
Number of children in DCS facilities as on 31 March 2013	149
Remand children allegedly accused of sexual crimes(12 months total) (Average will be 39)	469
Remand children allegedly committing Top Five Crimes	137

Table 11: Average period in custody for children awaiting trial

PERIOD IN CUSTODY FOR CHILDREN AWAITING TRIAL	30 DAYS & BELOW	31 - 90 DAYS	91-180 DAYS	181 -270 DAYS	>270 DAYS	Total
	54	39	31	06	05	135

NOTE:

There is a significant decrease in the number of children held in DCS facilities. It is evident that the cooperation in the Justice Crime Prevention and Security (JCPS) cluster is increasing in compliance with the Constitution and the Act that detention should be a last resort for children in conflict with the law.

3.5 Provision of Diversion and Alternative Sentencing Services: 11420 Diversions

Diversion increased from 9 192 from 2011/2012 to 11 420 in the 2012/13 reporting period

Diversion is meant to remove the child in conflict with law from the formal criminal justice system, mainly to encourage the child to be accountable for the harm caused by him or her in a manner that takes account of his or her age and individual needs. It is a form of response to child-offending that promotes the reintegration of a child into his or her family and community so as to increase the opportunities of growing up to be a law-abiding citizen. It is a way of preventing stigmatization that is often drawn from being labelled as a criminal. Diversion is also intended to reduce recidivism.

If complied with it prevents a child from having a criminal record that could have serious repercussions to his or her future. The Act, in outlining the objectives of diversion, also indicate that diversion is designed to build the character of the child, promotes his or her well-being, develops the child's sense of self-worth, whilst teaching him or her to be accountable for their actions. It is an intervention that also gives the child an opportunity to interact with the victims, and also understand how his or her offence has affected them.

The provisioning of diversion programmes requires that Government works with NGOs who have competency in providing these programmes. The Act also requires the accreditation of the service provider of diversion and the diversion programmes as a way of ensuring that quality services are rendered to children.

National Prosecuting Authority

According to the statistics provided by the NPA there were 11420 diversion orders issued in this reporting period. This is an increase of 2 228 diversion orders compared to the 9 192 diversions that were ordered in the previous reporting year. This increase might be traced from the increased number of accredited service providers published by DSD in the Government Gazette during this period of reporting. It may also be the result of the on-going training of the stakeholders on the Act and its Regulations. The following table shows a comparison of performance in diversions since 2010:

Table 12: Children diverted during the 2010/2011; 2011/2012 and 2012/2013 period of implementation

Period	2010/2011	2011/2012	2012/2013
No of diversions	16462	9 192	11 420

The next Table shows the breakdown of the diversion orders as issued by district and regional courts.

Table 13: Total number of children diverted in 2012/2013

Breakdown of Diversion Orders for 2012/2013			Total
2012/ 2013	Number of children diverted (NPA):	District court	4725
		Regional court	90
		Total diverted after enrolment	4815
		Total diversion before enrolment	6605
		TOTAL DIVERSIONS	11420

3.6 Establishment of Child and Youth Care Centres

Fully operational 30; Still Under construction 02; Bed Capacity 2100

Department of Social Development

The DSD is mandated by section 191 of the Children's Act to ensure the provision and management of CYCCs. In terms of section 29(1) of the Act, a presiding officer may order the detention of a child who is alleged to have committed any offence in a specified CYCC. This provision therefore places a responsibility on DSD to establish more centres for children awaiting trial. For the period under review, two additional centres, viz. John X Merriman Secure Care Centre in East London (EC) and the Bisho Secure Care Centre in Bisho (EC), were successfully upgraded to meet the requirements of the Minimum Norms and Standards, as outlined by the Blueprint for the Establishment and Management of Secure Care Centres. The upgrading of these two centres increased the total number of fully functional Secure Care Centres from 28 to 30 Centres throughout the country. The Minimum Norms and Standards requires each Secure Care Centre to have a bed capacity of 60 to 120 beds, depending on the size of the infrastructure and the resource capacity. This is to avoid overcrowding that may defeat the optimal achievement of the objectives of the Secure Care Centres. During this reporting time, the Department has put mechanisms in place to ensure compliance with the Minimum Norms and Standards, and this exercise has resulted in the reduction of the bed capacity from 3 272 beds, as previously reported, to 2 100 beds, as at 31 March 2013. There are two more Centres that are still under construction, and these are the Father Smangaliso Mkhathshwa Secure Care Facility in Soshanguve (Gauteng) and the Qwaqwa Secure Care Centre in Free State. The Department intends to have these Secure Care Centres operational before the end of the next reporting period so as to address the increasing need for these Centres in the country. The Table below reflects the summary of the performance of the Department in this priority area:

Table 14: Number of secure care facilities as at 31 March 2013

Secure Care Centres	2011/2012	2012/2013	TOTAL NUMBER
Fully Operational	28	02	30
Under Construction	02	02 (carried over from 2011/2012)	02
Bed Capacity	3272	2100	2100

Department of Basic Education

Reform Schools and Schools of Industry were under the management of the Provincial Departments of Basic Education. In Table 16, schools that are in the process of being transferred to the Provincial Departments of Social Development are indicated.

The interests of Departments such as DoJ & CD, DBE and DSD in these schools arise from the fact that these Departments are part of the implementation team of the Act and they aim to ensure that the needs of learners in conflict with the law and in need of care and protection are addressed.



Table 15: Progress in the process of transferring schools from DBE to DSD

Secure Care Centres	2011/2012	2012/2013
Mpumalanga	Vaalrivier	Remains with Provincial Department of Education
	The rest of the schools in this Province: George Hofmeyer, Ethokomala and Vikelwa	<ul style="list-style-type: none"> · These schools will be registered as CYCCs by the Dept. of Social Development; · Hostels and staff of all these schools transferred on 31 March 2013; and · DBE is responsible for the provisioning of curriculum and educators.
Western Cape	Four schools in this Province: Die Bult Ottery, Wellington and Eureka	There is an intention to transfer these but a moratorium was put on the process pending discussions between the DBE and DSD HODs
KZN	Mimosadale	DBE still needs to take a decision on the future of this school
	New Castle School	<ul style="list-style-type: none"> · DBE and DSD to work on logistics on the management of the school; · DBE to provide education services by paying education services resources; and · Staff will be transferred to DSD
	Bersig School	<ul style="list-style-type: none"> · DBE will retain school but will cater for learners with special needs; · A submission with recommendations on this matter has been approved; and · KZNDoE & DSD HODs to meet and finalise this issue.
The following Provinces: Gauteng; Free State, North West and Eastern Cape	Rosenhof: FS Emmasdal and JW Luckhoff: Gauteng Gali Tembani: EC Jimmie Roos: FS Wolmaransstad: NW	<p>For all the schools mentioned:</p> <ul style="list-style-type: none"> · MOUs between the Departments for transfer process of all these schools are in place; · DSD will be responsible for the care and support functions; · Education will deliver the curriculum; and · The facilities will each be registered as a CYCC with schools on premises.

3.7 Establishment of One Stop Child Justice Centres (OSCJCs)

Functional OSCJCs during reporting period: 03

Department of Justice and Constitutional Development

During this reporting period, the Minister of Justice and Constitutional Development designated the Matlosana Child and Youth Care Centre, North West, as an OSCJC in terms of section 89 of the Act. On the 22 February 2013, Government Gazette Notice No 36179 was published for the designation of the Matlosana OSCJC. This Centre has, since February 2013 been fully operational. The Department planned to convert the Khayaletumba Children's Home, Eastern Cape into an OSCJC, but could not succeed because costs for refurbishment were increased to R28 million. To date, there are three OSCJCs that are fully operational in three Provinces, namely Eastern Cape, Free State and North West. Below is the Table of fully operational OSCJCs in the country:

Table 16: Number of fully operational OSCJCs

Province	Location	OSCJC	Year of Designation
Eastern Cape	Port Elizabeth	Nerina OSCJC	2010
Free State	Bloemfontein	Mangaung OSCJC	2011
North West	Klerksdorp	Matlosana OSCJC	2013

3.8 Resources and Budgets

Departments are utilising their baseline budgets for the implementation of the Act. This is reflected in their Annual Performance Plan. However, DoJ & CD is still the only implementing Department with a dedicated budget for the implementation of the Act. This budget is shared with the NPA and LASA.

3.9 Public Education and Communication

Public education and awareness initiatives are globally recognised as being one of the effective ways of preventing crime. Every year, the implementing Departments and Institutions are expected to conduct public education campaigns to raise awareness on the Act. During the period under review, the following initiatives were conducted by the different sectors:

Department of Justice and Constitutional Development

Radio Broadcast Campaign

In November 2012, the DoJ & CD, in partnership with NPA and SAPS held a radio broadcast campaign through all National and local radio stations. This was a DoJ & CD led campaign on the Act, and it was designed and executed with the assistance of GCIS. The campaign ran for a week, and it included a 2 hour phone-in session, where listeners were able to ask questions relating to the Act, which included issues on expungement, age of criminal capacity, the content of diversion programmes and the processes involved. This campaign was broadcasted in 65 radio stations, which had a total listenership of 6 million. In Gauteng, radio broadcasts on the implementation of the Act were also done on community radio stations.

Other Public education campaigns

- In Limpopo, the Department conducted a schools' campaign at 40 schools in the Sekhukhune district, 8 schools in the Capricorn district, 14 schools in Vhembe and 11 schools in the Mopani District. The campaign was aimed at educating learners about the Act and other related pieces of legislation. A total of 73 schools were reached, and about 8 000 learners participated in the campaign.

As part of the schools campaign, radio interviews were also done to reach out the broader South Africa on the topics of the campaign.

- The Department intensified its public education and awareness initiatives in the Eastern Cape, where outreach programmes were held for community members and learners as follows:
 - o Child Protection Week: 1 300 learners were reached in various schools within the Province to raise awareness about their rights in terms of the Act and also the dangers of participating in sexual activities that amount to crime;
 - o Access to Justice Week: In Tsolo, 200 community members were reached and educated about the Act and other related pieces of legislation. In Willowvale district, this campaign reached 320 community members, whilst in Graaff-Reinet, a total of about 200 people were educated about the child justice system. During this week, the Department reached a total of about 720 people in 3 districts;
 - o Crime Victims' Rights Week: 1 883 learners were reached in a number of sampled schools in Port Elizabeth, and were informed about their rights in terms of the Act and other related legislation and the Victims' Charter;
 - o 16 Days of No Violence against Women and Children: 300 community members were reached in Butterworth, and educated about the Act. In Mqanduli district, about 200 community people participated in an outreach event that focused on the Act and other pieces of legislation that prevent gender-based violence. The Act was relevant during this campaign as it focussed on the impact of violence in domestic relationships that often lead to children experimenting on crime.
- In November 2012, another radio panel discussion on the Child Justice Act was conducted where GCIS connected analysts with 8 radio stations. Listeners from all these stations were able to call in and have their questions answered.
- In December 2012, a community radio dialogue was held at Alfred Nzo Community Radio where topics on the Act were discussed in simple terms so as to educate the community about the child justice system. This community radio station has a listenership of 380 000 people.

National Prosecuting Authority

The NPA embarked on the following public awareness campaigns on the provisions of the Act:

Radio Broadcasts

Between October and November 2012, Prosecutors and NPA staff members participated in the NPA/GCIS radio campaign coordinated by the Communications Unit, wherein radio station interviews were conducted covering different topics in the criminal justice system (CJS), one of which was the Act.

The purpose of the campaign was to ensure that the NPA reaches out to community members throughout the country in their respective languages to improve service delivery, educating the public about the criminal justice system, and specifically about the work of the NPA. As confirmed by NPA Communications, 12 radio sessions were conducted. The SOCA Unit provided guidance on the content to NPA Communications and speakers that participated in the radio sessions. The community radio campaign started in the first week of October and consisted of 12 phone-in programmes in three language groups at 45 community radio stations every other week, covering millions of listeners throughout the entire country. In total 180 specific broadcasts that reached 28.8 million people over a four week period were achieved.

Special Assignment Programme – SABC3

The NPA participated in a Special Assignment programme on the Act. A representative from NPA (SOCA Unit) was interviewed by the SABC 3 Special Assignment Programme. The programme was basically investigating the growing trend of child killers in South Africa. Predominantly, questions for the NPA centred on the age of criminal capacity of child offenders and the diversion process in line with the Act. The interview was able to make it clear to the listeners that diversion is not a soft option for child offenders.

Department of Social Development

In December 2012, the DSD embarked on an Anti-Crime awareness campaign in Mpumalanga. The campaign was conducted at Matsulu for a targeted group comprising of 5 schools represented by 20 scholars, 10 Government Departments and 5 civil society organisations.

The following themes were used on promotional material for the day:

- “I’m bold, I don’t do crime”
- “I care, I don’t do crime”
- “I love I don’t do crime”
- “I play, I don’t do crime”
- “I respect, I don’t do crime”
- “I’m responsible, I don’t do crime”

This was a step forward for the Department in the implementation of the Act since no campaigns have been held in the previous reporting periods. This has led to increased awareness in that community.

Legal Aid South Africa

Communication and awareness building campaigns on child justice issues take place as part of our annual communication plan. The following methods are utilised in communication campaigns:

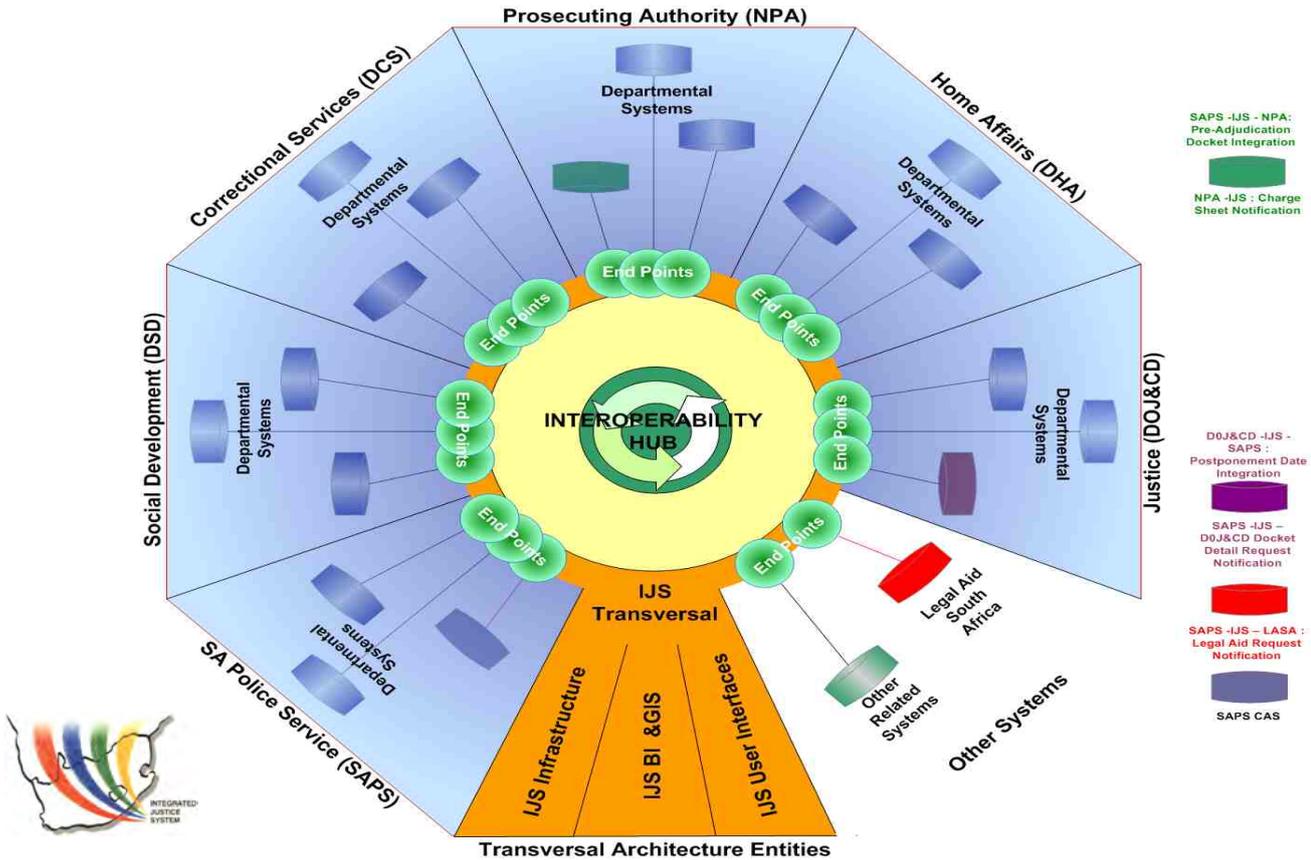
- Radio and television interviews by representatives of LASA;
- Media releases in the printed media to highlight specific issues; and
- “Fair play” events at schools. Justice Centres have to identify a school each year and arrange a sporting event as a means to communicate the message of fairness and justice to young children.

In addition, LASA supports and participates in events organised by other role players in the CJS.

3.10 Development of Necessary IT and Integrated Information Justice Systems

The Integrated Justice System (IJS) Programme is a multi-year programme focused on the modernization of the CJS. This is a joint venture between the JCPS Cluster Departments. The primary objective of the programme is in effect to electronically enable and integrate the end-to-end criminal justice business processes (i.e. from the report of a crime to the unconditional release of a convicted person) and the related inter-Departmental information exchanges. The process will then focus on integrations of Departmental systems; collecting and processing of statistical data as prescribed by the Act; and display of statistical data on the IJS Transversal Extranet Portal.

Diagram 2: Integrations currently available:



South African Police Service

Progress with integration relevant to CJA intimated above is evident in the following information:

Pre-Adjudication Docket integration: (SAPS – IJS – NPA)

This has the same deployment status as Docket Detail request notification that is being utilised by DoJ & CD. The Docket Ready Notification integration forms part of the Pre-Adjudication Docket integration. It is in operational use and SAPS are currently sending on average between 75 000 to 90 000 Docket Ready Notifications consisting of more than 2 000 000 messages per week that is managed by the IJS Transversal. This applies to all cases and not just child justice related cases.

SAPS have their own processes that are currently underway to address gaps in management information that is specifically required to address shortcomings in information and reporting on the implementation of the Act, 2008. These are the following:

- a) Securing the attendance of the child in court
This addresses the need for the operational crime administration system (CAS) to capture information in respect of children issued with summonses and notices to appear in court. The CAS system is currently being enhanced. The new ICDM system will be able to capture information for children where cases have been registered
- b) Capturing of additional information in respect of children age 10 and under
Enhanced functionality was developed for the Operational Planning and Monitoring (OPAM) system to capture information in respect of children under 10 involved in crime and who cannot be charged but must be referred to social workers. The Crime Administration System (CAS) captures data on crime, and since children under 10 legally do not have criminal capacity, and cannot be charged, CAS cannot be used to capture data on children under 10 years of age. The enhancements on OPAM was developed and piloted in Gauteng. This system is currently being tested in three Provinces.

National Prosecuting Authority

Charge Sheet notification (NPA – IJS):

The Charges Sheet Notification Integration is part of Integrated Case Management System (ICMS) Phase II development for the NPA. The integration business analysis was signed off by the respective business stakeholders. Integration development has been completed and provided to the respective Departments to commence with their development. Integration testing and rollouts have been planned for the next financial year. The arrangement with DoJ & CD is that as soon as the system is implemented, the NPA will extract all relevant data from the ICMS Child Justice.

Department of Justice and Constitutional Development

The DoJ & CD has developed the ICMS Child Justice which has 80+ fields and will capture all related fields that NPA is currently reporting on in terms of the Act. The following systems by DoJ & CD are worth-mentioning:

Docket Detail Request Notification (SAPS – IJS - DoJ & CD):

The system is in operational use and in July 2012, DoJ & CD successfully rolled out “Docket Ready Notification Integration” to the following magistrate court (MC) sites:

Gauteng: MC Benoni, MC Natalspruit, MC Alberton, MC Daveyton, MC Brakpan, MC Cullinan, MC Johannesburg, MC Pretoria.

KwaZulu Natal: MC Durban, MC Verulam, MC Pietermaritzburg, MC Pinetown, MC Port Shepstone.

Western Cape: MC Cape Town, MC Bellville, MC Parow, MC Kuilsrivier, MC Mitchells Plain, MC Khayelitsha, MC Bluedowns. Preparations for further roll-outs are in progress.

Postponement Date Integration (DoJ & CD – IJS – SAPS)

This system is in operational use.

Department of Social Development

In compliance with the Act, DSD developed two systems: the Probation Case Management (PCM) and the Accreditation of Diversion Systems. Both systems were piloted and rolled out.

Legal Aid South Africa

LASA utilises its own case management system known as Ad infinitum or AI in short. This is an integrated system in which all cases are logged and from which reports are generated. The implementation of the Act necessitated some changes to be made on the system to accommodate new concepts that were introduced, such as Preliminary Inquiries, to be able to report on these. In addition, the Ad Infinitum system records all the training undertaken by practitioners. Practitioners access electronic learning modules also through this system. The AI system also serves as the gateway to other electronic research resources such as Jutastat and Lexis Nexis.

LASA, however also uses the Legal Aid Request Notification (SAPS – IJS – LASA), which is in operational use in 120 SAPS facilities. Preparations for further rollouts are in progress. Currently, statistics are submitted to IJS Transversal on a manual basis by email from the Departments. This data is then collated into a combined report and submitted on a quarterly basis to DoJ & CD for the compilation of reports.

Diagram 3: Current Situation: Collection and processing of statistical data



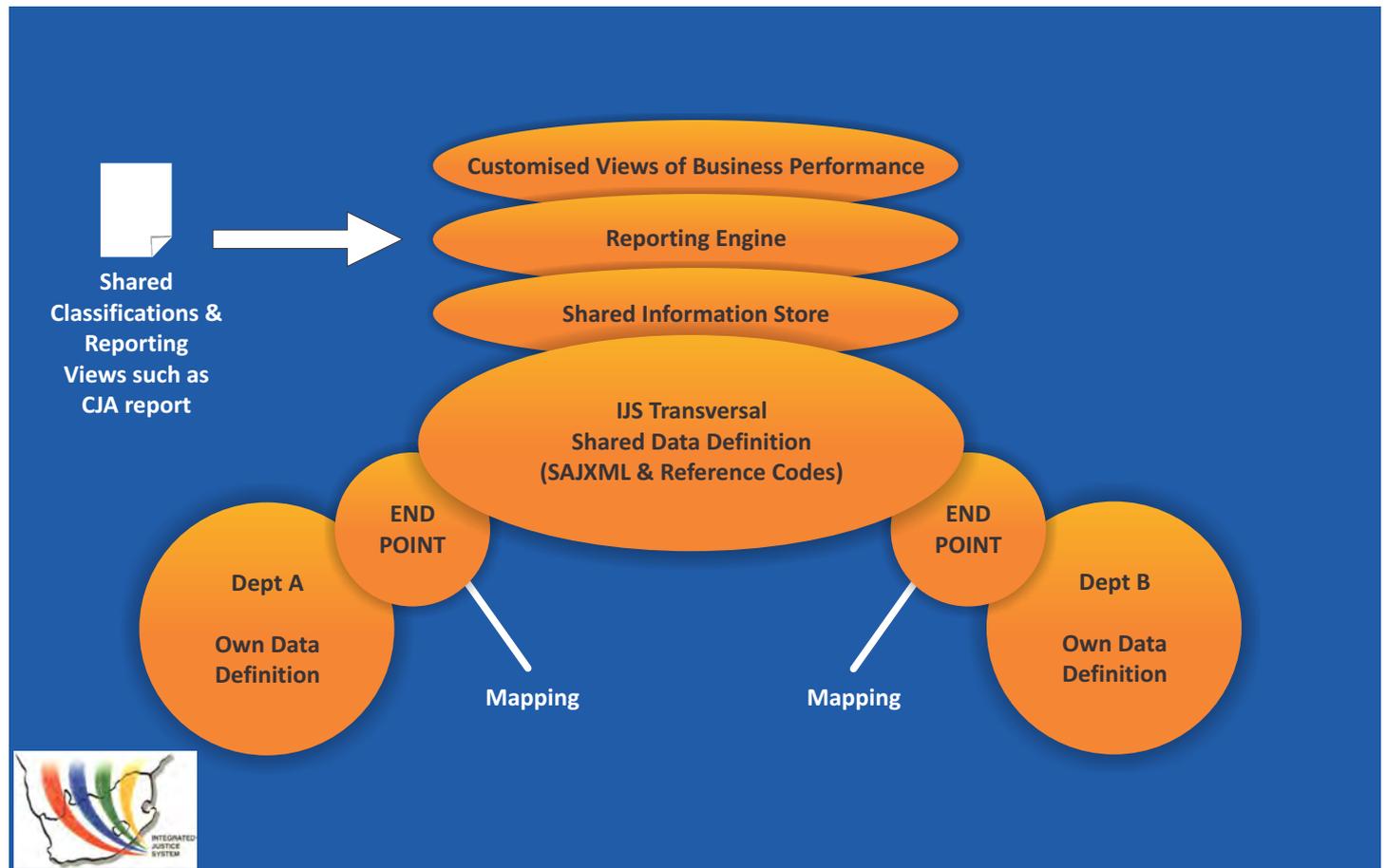
Departmental statistics are based on pre-determined questions and definitions and are mostly collected manually and submitted manually on a quarterly basis

The Future Solution

A central database extracted from operational transactional data from Departments was enabled by the integrations as indicated in the next Diagram currently available.

Diagram 4: The Future Solution

Future Solution for Collection of CJA Statistics by means of integrated systems

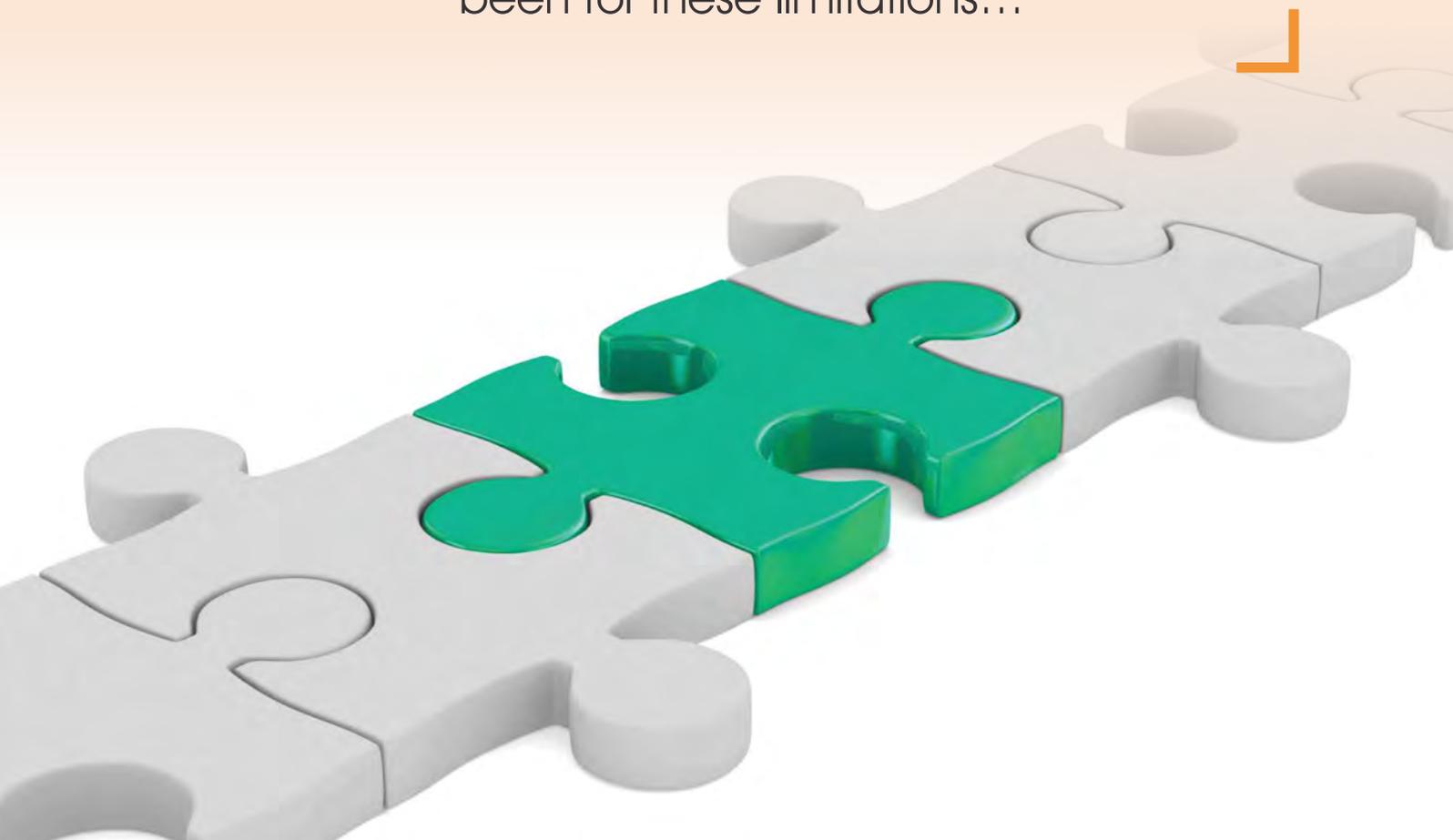


This database will be utilised to create reports indicating the effective implementation of the Act. This system is already developed and awaiting sufficient integrations to provide the required data.

CHAPTER 4

LIMITATIONS IN THE IMPLEMENTATION OF THE CHILD JUSTICE ACT

┌ We would have completed the puzzle had it not
been for these limitations...



The implementing Departments and Institutions have reported that they experienced certain limitations that prevented them from achieving the desired goals set for 2012/2013. Some of the limitations that featured in the first and/or second annual report(s) are still identified as existing challenges, despite efforts taken to address them. For instance, the lack of dedicated budget allocation is still the prominent challenge in all Departments, except for the DoJ & CD, which has had a dedicated budgetary allocation since 2010/2011. Below, is the summary of limitations experienced during the 3rd year of implementation of the Act.



Table 17: Summary of limitations experienced in the implementation of the Act during the 2012/2013 financial year and corrective measures:

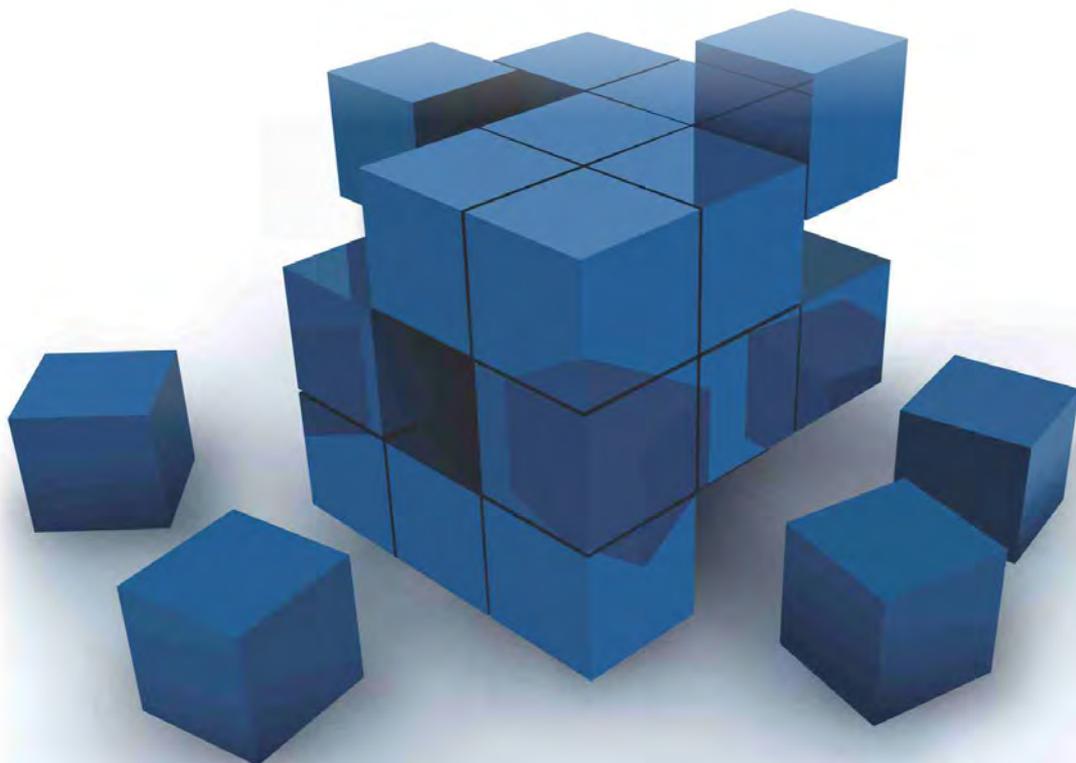
PRIORITY AREA AFFECTED	LIMITATIONS	CORRECTIVE MEASURE/ PROGRESS
BUILDING CAPACITY: Human Resources	Lack of adequate capacity with the DoH to conduct criminal capacity evaluations.	The Department periodically invites, through newspapers, private psychiatrists and clinical psychologists to register with the Department to offer these services;
	Exorbitant fees claimed by the private practitioners for the criminal capacity evaluations. These claims are far beyond the current tariffs used by DoJ & CD.	DoJ & CD is negotiating for the establishment of an affordable tariff.
	A need to establish special care facilities that comply with detention requirements for mentally affected children	Matter still under investigation
Preliminary Inquiry	Currently there are no specialised rooms to hold Preliminary Inquiries; and available courtrooms not designed to conduct Preliminary Inquiries	In 2012, DoJ & CD initiated a process of developing a blueprint for Preliminary Inquiry rooms. The blueprint will be finalised in the next reporting period, and be piloted in selected courts.
One Stop Child Justice centres	The continued establishment of the OSCJCs has been halted in view of the hurdles experienced in the process. There are no existing Government owned buildings that could be converted into OSCJCs with affordable costs.	The Department is conducting a viability study on OSCJS's with possible review of the NPF and the National Guidelines on the Establishment and Management of OSCJCs.
Provisioning of Diversion and Alternative Sentencing Services	The prescriptive nature of the Act, particularly for diversion service providers and programmes requires children to be referred to accredited service providers and programmes	DSD is reviewing the minimum norms and standards for diversions in order to align them with the relevant legislation.
Resources and Budgets	No dedicated budgets for the implementation of the Act .	The DG ISCCJ will consider this matter in the next reporting period.
Public Education and Communication	Lack of monitoring and evaluation tool to measure the impact of public education and awareness campaigns on child justice.	The National Council on Gender-based Violence is in a process of developing the M&E tool for public education initiatives. To avoid engaging in a parallel process, the OP ISCCJ will customise this tool for child justice outreach programmes.
Establishment of IT and IJS systems	The lack of an integrated information management system persists.	Role-players have started developing Departmental and institutional systems
	There is still no integrated electronic Inter-Sectoral data collection system. Data is therefore still collected manually	Four (4) systems are in the process of being integrated into the IJS system

The commitments made by the various implementing Departments and Institutions will be monitor by the Inter-Sectoral Committees in the next reporting period.

CHAPTER 5

COMPARATIVE EVALUATION OF THE EFFECTIVENESS OF THE ACT

Once again, we jointly delivered commendable performance amidst challenges.



During this reporting period, the implementing Departments and Institutions have, once again, delivered commendable performance on many of the key priority areas. As indicated in the above chapter, the implementation process is not without challenges. In this chapter, the report takes an evaluative approach to the Inter-Sectoral performance on each of the following thematic areas identified as key priority areas by the National Policy Framework on Child Justice.

Building Capacity

As the years of the implementation of the Act are progressing, many implementing Departments are focusing their resources on improving skills of personnel dedicated to child justice. In year 3, advanced courses were delivered, largely to limited pools of dedicated personnel, mainly to strengthen their knowledge and skills on the Act. This is one of the reasons that we have been experiencing a decline in the number of personnel trained since 2010. During this reporting period, a further decline was recorded by all implementing Departments. Within the SAPS the decline in 1-day and 2-day training sessions correlates with an increase in the 5-day learning programme. Sound practices in skills development as practiced by the SAPS include train-the-trainer programmes, which provides a greater capacity for in-service training to be conducted for a number of officials who directly come into contact with child offenders, in the course of their duties. In-service training can also be supplemented by capacity building sessions that enable supervisors and senior officers to guide and mentor junior officials at local police stations. This is an approach that all implementing Departments should consider so as to increase focus more on skills development than theory. Coaching and mentorship through on-the-job training is what the child justice value chain requires in order to reach optimal performance in the implementation of the Act.

Charges

SAPS has recorded a remarkable drop in the number of children charged for allegedly committing crimes. During this reporting period, 57 721 charges with regard to children were recorded as against 68 078 charges of children that were recorded in 2011/2012. This significant drop in the number of child-charges could be as a result of the Act beginning to show results of success in crime intervention.

Assessments

The joint collaborations of SAPS and DSD have yielded good results against the unfathomable drop in the figures of assessments experienced during the previous reporting period. This decline raised serious eyebrows against the effectiveness of the Act, but with the dedicated interventions introduced by SAPS and DSD, a turnaround of events was quickly recorded. The total number of children assessed moved from 18 334 to 32 125. What can be deduced from this increase is the visible growth in the implementation of the Act, which will ultimately entrench the child justice system in this country.

Preliminary Inquiries

DoJ & CD also reported a 42% increase in the number of Preliminary Inquiries held. This increase ought to be viewed in a positive light as it means that many children are saved from the harsh realities embedded in the criminal justice system so as to ensure that the system respects and protects their constitutional rights.

Sentences

The Act promotes the imposition of non-custodial sentences against children convicted of criminal offences. Since 2010/2011, a total of 5 120 non-custodial sentences were imposed, whilst in a total of 728 cases children received imprisonment sentences. The great variance in these two figures shows that our courts are indeed complying with the Act. The Department of Correctional Services has also reported that as at 31 March 2013, only 328 children were serving custodial sentences in the correctional facilities. Out of the 3 058 children who were remanded into correctional facilities whilst awaiting trial during this reporting time, only 135 children were awaiting trial as at 31 March 2013.

Diversions

During the period under review, the NPA recorded an increase in cases diverted from the criminal justice system from 9 192 to 11 420.

This rise in diversions came at a time questions were still asked as to what caused the decline in the previous reporting period from 16 462 to 9 192 diversion orders. With this increase, it could be assumed that the training interventions are beginning to make significant improvement in the newly-established child justice system.

Child and Youth Care Centres

Another progressive achievement was registered by DSD when two more Secure Care Facilities were established to increase the existing number of fully functional centres from 28 to 30 centres. This increase means that there are now more facilities to remand children in awaiting trial to so as to save them from being detained in circumstances that are contrary to their needs, as children.

One Stop Child Justice Centres (OSCJs)

Amidst challenging circumstances, DoJ & CD succeeded to establish the Matlosana OSCJC, which is now fully operational. However, this was not a full achievement as the second OSCJC could not be established, as planned due to limited budget. The National Operational Inter-Sectoral Committee is currently investigating the viability of the continued establishment of these centres since no existing Government own building could be found so as to be converted into OSCJC.

Resources and Budgets

The implementing Departments have been operating on limited resources since 2010. Without dedicated budget allocations, limited achievements will continue to define progress in the implementation of the Act. It is for this reason that the DG's Inter-Sectoral Committee has taken it upon itself to ensure that Child Justice receives dedicated budget allocation from all implementing Government stakeholders. Thus far, only DoJ & CD has continually dedicated budget for the implementation of the Act since 2010. Since the Act requires the establishment of special infrastructure, adequate resources should be made available in order to achieve the goals of the Act.

Public Education and Communication

During the period under review, a robust schools campaign was conducted by some Departments to reach children at an environment of learning. Media outreach programmes were also held. In some areas, Inter-Sectoral public outreach campaigns were held to strengthen and communicate the interdependencies that prevail in the child justice value chain. However, a more robust educational campaign is required to disprove the wrong public perceptions about child justice. Many people still consider this approach as a soft approach, and therefore inadequate to intervene against crime. In addition, the child justice sector needs to have a monitoring and evaluation tool to measure the impact of public education in crime response and prevention.

Concluding remarks

With these significant achievements, only one conclusion can be drawn from the 3rd year of implementation of the Act. This period brought not only the progressive accomplishments by the implementing stakeholders, but also addressed what was found as challenging in the previous reporting period. The reduction in charges, increase in assessments and also the rise in the number diversion orders bear testimony to this observation. Although it might be too soon to decide as to whether the Act works or not, the footprints of recorded achievements speak for themselves.





the doj & cd

Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA

www.justice.gov.za
The Department of Justice and Constitutional Development
Postal Address: Private Bag X81
Tel: 012 315 1111